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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पुष्क संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 20 अक्टूबर, 2008

प्रभाव से एक वर्ष की अवधि के लिए या अगले आदेश होने तक, इनमें से जो भी पूर्वतर हो, अपर लोक अभियोजक के रूप में पुनःनियुक्त करती है।

[फा. सं. 23(2)/2008-न्यायिक]

एम. ए. खान यूसुफी, संयुक्त सचिव और विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 20th October, 2008

फा.आ. 2976.—केंद्रीय सरकार दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सुश्री पूर्णिमा एच.कंठारिया, अधिवक्ता को, मुंबई स्थित उच्च न्यायालय में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरुद्ध सभी दंडिक मामलों का जिसके अंतर्गत सभी दंडिक रिट याचिकाएं, दंडिक अपीलें, दंडिक पुनरीक्षण, दंडिक निर्देश और दंडिक आवेदन भी हैं, संचालन करने के प्रयोजन के लिए इस शर्त के अधीन रहते हुए, कि सुश्री पूर्णिमा एच. कंठारिया, अधिवक्ता अपर लोक अभियोजक के रूप में अपनी पुनःनियुक्ति की अवधि के दौरान भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय के विरुद्ध ऊपर निर्देशित किसी दंडिक मामले में मुंबई स्थित उच्च न्यायालय में उपसंज्ञात नहीं होंगे, तुरंत

S.O. 2976.—In exercise of the powers conferred by sub-section (1) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby re-appoints Ms. Poornima H. Kantharia, Advocate as Additional Public Prosecutor, for the purpose of conducting all criminal cases including criminal writ petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department or Office of the Central Government in the High

Court of Judicature at Mumbai, with immediate effect, for a period of one-year or until further orders, whichever is earlier, subject to the condition that Ms. Poomina H. Kantharia, Advocate shall not appear against the Union of India or any Department or Office of the Central Government in any criminal case referred to above in the High Court of Judicature at Mumbai during the period of her re-appointment.

[F. No. 23(2)/2008-L&T]

M.A. KHAN YUSUFI, Jt. Secy. & Legal Advisor

कार्यिक, लोक शिकायत रेशन मंत्रालय

(कार्यािक और प्रशिक्षण विभाग)

नई दिल्ली, 21 अक्टूबर, 2008

का.आ. 2977. केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1973 (1974 का अधिनियम सं. 25) की धारा 6 के साथ पॉलिट धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम राज्य सरकार, राजनैतिक (एन) विभाग, दिसपुर की अधिसूचना सं. पीएलए. 486/2007/69 दिनांक 18 अक्टूबर, 2008 द्वारा डाक्टर पी.बी.एम तत्कालीन कार्यपालक निदेशक, एफसीआई, पूर्वोत्तर क्षेत्र पुनर्वास, असम के उपहारा/बलात्कृत अपराध के संबंध में कामरूप जिले के फ्लटन बाजार, पुलिस स्टेशन में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 365 और 34 के तहत दत्त मामला सं. 2008/2007 और सम्बन्धित अपराधों से संबंधित अथवा संयुक्त प्रयत्नों, दण्डनीति और अन्य संबंधित अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का समस्त सम्पूर्ण असम राज्य पर करती है।

[सं. 228/47/2007-ए वी डी-II]

नई दिल्ली, 21 अक्टूबर, 2008

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 21st October, 2008

S.O. 2977. In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of Assam, Political (A) Department, D. S. No. vide Notification No. P.L.A. 486/2007/69 dated 18.10.2008 hereby extends the powers and jurisdiction of the member of the Delhi Special Police Establishment in the whole of the State of Assam for investigation of the offences referred to in sub-section (1) of Section 5 of the District of Karbi Anglong.

365 and 34 of the Indian Penal Code, 1860 (Act No. 45 of 1860) relating to kidnapping/ abduction of Dr. P.C. Ram, the then Executive Director, FCI, N.E. Region, Guwahati, Assam and any other offence or offences, attempts abetments and conspiracy in relation to or in connection with above mentioned offences and any other offence/ offences committed in the course of same transaction arising out of the same facts and simultaneously launching of criminal prosecution against the guilty persons.

[No. 228/47/2007-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 21 अक्टूबर, 2008

का.आ. 2978.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अधिवक्ताओं को धारवाड़, मंगलौर और गुलबर्गा, कर्नाटक राज्य में केंद्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए परीक्षण न्यायालयों और अपीलों और इनसे उद्भूत अपीली न्यायालयों में दिल्ली विशेष पुलिस स्थापना (के.अ. ब्यूरो) द्वारा संस्थित मामलों का आन्वेषण करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :-

क्रम सं.	सर्वश्री	नियामक मामलों में	न्यायालय का नाम
1.	के.एल.पाटिल	आरएन 11/01, 18/01, 02/04, 26/03 और 04/04	विशेष जज, धारवाड़
2.	बी.विठ्ठल राय	आरएन 106/2002	मुख्य न्यायिक मजिस्ट्रेट, मंगलौर
3.	श्री अनुराधा एम आरएन 102/2002 देसाई		प्रधान सिविल जज, गुलबर्गा

[सं. 228/31/2008-ए वी डी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 21st October, 2008

S.O. 2978.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints following advocates as Special Public Prosecutor for conducting prosecution in following cases instituted by the Delhi Special Police Establishment (CBI) in the State of Karnataka at Dharwad, Mangalore and Gulbarga as entrusted to them by the Central Bureau Investigation in the trial courts and appeals/revisions or other matters arising out of the cases in revisional or appellate courts established in the State of Karnataka.

Sl. No.	S/Shri	Regular Case Nos.	Name of the Court
1.	K. L. Patil	RCs 31/01, 18/01 02/04, 26/03, & 04/04.	Special Judge Dharwad
2.	B. Vimal Rai	RC. 06/2002	Chief Judicial Magistrate, Mangalore
3.	Smt. Anuradha M. Desai	RC. 25/2002	Principal Civil Judge, Gulbarga

[No. 225/31/2008-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 23 अक्टूबर, 2008

का.अ. 2979.—केंद्रीय सरकार एतद्वारा दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री नदीम अख्तर खान, अधिवक्ता, कलकत्ता उच्च न्यायालय की बेंच पोर्ट ब्लेयर में केंद्रीय अन्वेषण ब्यूरो के रिटेनर काउंसिल को कलकत्ता उच्च न्यायालय, पोर्ट ब्लेयर की पोर्ट ब्लेयर बेंच में विचारण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित और केंद्रीय अन्वेषण ब्यूरो द्वारा उन्हें सौंपे गए मामलों के अभियोजन और पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/32/2008-एवोडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 23rd October, 2008

S.O. 2979.—In exercise of the powers conferred by the provisions of sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Nadeem Akhtar Khan, Advocate, a Retainer Counsel of Central Bureau of Investigation, in the Port Blair Bench of Calcutta High Court at Port Blair as Special Public Prosecutor, for conducting prosecution, appeals, revision or other matters arising out of the cases investigated by the Delhi Special Police Establishment in the Port Blair Bench of Calcutta High Court at Port Blair.

[No. 225/32/2008-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 24 अक्टूबर, 2008

का.अ. 2980.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उप-धारा (5) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केंद्रीय सरकार, एतद्वारा, श्रीमती बीनू सेन को बाइफर में वरिष्ठतम सदस्य होने के कारण दिनांक 31-10-2008 से अगले आदेश होने तक बाइफर के अध्यक्ष के रूप में कार्य करने के लिए प्राधिकृत करती है।

[फा. सं. 20(1)/2004-आईएफ-II]

जे. एस. फौगाट, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 24th October, 2008

S.O. 2980.—In exercise of the powers conferred by sub-section (5) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby authorises Smt. Binoo Sen, being the senior most Member in BIFR to act as Chairman, BIFR from 31-10-2008, until further orders.

[F.No. 20(1)/2004-IF-II]

J. S. PHAUGAT, Under Secy.

पर्यावरण एवं वन मंत्रालय

आदेश

नई दिल्ली, 24 अक्टूबर, 2008

का.अ. 2981.—पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और (3) में प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा भारत के राजपत्र, असाधारण के भाग-II, खण्ड 3, उपखण्ड (ii) में दिनांक 29 मई, 2001 को प्रकाशित भारत सरकार, पर्यावरण एवं वन मंत्रालय के दिनांक 29 मई, 2001 के आदेश संख्या का.अ.583 (अ) में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त आदेश के प्रारंभिक पैराग्राफ में —

(i) क्रम सं. 3 और 12 के स्थान पर निम्नलिखित क्रम संख्याएं प्रतिस्थापित की जाएंगी, अर्थात्:—

“3. सदस्य (नदी प्रबंधन), केंद्रीय जल आयोग;

12. संयुक्त सचिव, जल संसाधन मंत्रालय।”

(ii) क्रम सं. 8, 9, 10, 11, और 12 को क्रम सं. 10, 11, 12, 13 और 14 के रूप में पुनः क्रमांकित किया जाएगा और क्रम संख्याओं को इस प्रकार पुनः क्रमांकित करने से पूर्व क्रम सं. 7 के पश्चात् निम्नलिखित प्रतिस्थापित जाएगा, अर्थात्:—

“8 संयुक्त सचिव (भूमि संसाधन विभाग), ग्रामीण विकास मंत्रालय;

9. संयुक्त सचिव (हाइड्रो परियोजनाएं), विद्युत मंत्रालय;”

[फा. सं. जे-15011/8/2000-एन आर सी डी-II]

आर. के. वैश, संयुक्त सचिव

नोट:— मुख्य आदेश भारत के राजपत्र, असाधारण सं. का.आ.583(अ), दिनांक 29 मई, 2001 के तहत प्रकाशित किया गया था और जिसे बाद में का.आ.सं. 635(अ), दिनांक 26 मई, 2004, का.आ. 728(अ), दिनांक 25 मई, 2005 और का.आ.751(अ), दिनांक 26 अप्रैल, 2007 के तहत संशोधित किया गया था।

MINISTRY OF ENVIRONMENT AND FORESTS

ORDER

New Delhi, the 24th October, 2008

S.O. 2981.—In exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), Central Government hereby makes the following amendments in the Order of the Government of India in the Ministry of Environment and Forests, number S.O. 583(E), dated the 29th May, 2001 published in Part II, Section 3, Sub-Section (ii) of the Gazette of India, Extraordinary, dated the 22nd June, 2001, namely:—

In the said Order, in the opening paragraph,—

(i) for serial numbers 3 and 12, the following serial numbers shall be substituted, namely:—

“3. Member (River Management), Central Water Commission;

12. Joint Secretary, Ministry of Water Resources”.

(ii) the serial numbers 8, 9, 10, 11 and 12 shall be renumbered as serial numbers 10, 11, 12, 13 and 14 and before the serial numbers are so numbered, the following shall be inserted after serial number 7, namely:—

“8 Joint Secretary (Department of Land Resources), Ministry of Rural Development;

9. Joint Secretary (Hydro Projects), Ministry of Power;”

[F. No. J-15011/8/2000-NRCD-II]

R.K. VAISH, Jt. Secy.

Note: The Principal Order was published in the Gazette of India, Extraordinary vide number SO 583(E), dated the 29th May, 2001 and subsequently amended vide SO 635(E), dated the 26th May, 2004, S.O.No. 728(E), dated the 25th May, 2005 and S.O. 751(E), dated the 26th April, 2007.

कोयला मंत्रालय

नई दिल्ली, 22 अक्टूबर, 2008

का.आ. 2982.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है, की धारा 19 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि चूंकि वह कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) को लागू कर रही है तथा विद्युत मंत्रालय की ओर से यशवर्ती कोयला खनन प्रयोजनों के लिए विद्युत मंत्रालय के अधीन सार्वजनिक क्षेत्र उपक्रम अर्थात् नेशनल थर्मल पावर कारपोरेशन लि.(एनटीपीसी लि.) को आबंटित कोयला ब्लॉकों की भूमि का अर्जन कर रहा है, इसलिए

लि.(एनटीपीसी लि.) को आबंटित कोयला ब्लॉकों के संबंध में उक्त अधिनियम के अधीन अर्जित भूमि हेतु भू-स्वामियों अथवा भू-वार्जियों को प्रतिकर की अदायगी के संबंध में के लिए उक्त अधिनियम की धारा 17 के अधीन उसके द्वारा प्रयोग में लाई जा सकेगी या निर्वहन की गई शक्तियों अथवा का प्रयोग या निर्वहन निम्नलिखित शर्तों के अधीन विद्युत मंत्रालय द्वारा भी किया जाएगा, यदि—

(i) कोयला ब्लॉक कोयला मंत्रालय द्वारा आबंटित है वा है;

(ii) कोयला धारक भूमि उक्त अधिनियम के अधीन अर्जित की जा रही है;

(iii) विद्युत मंत्रालय अपने उसकी उप-प्रतिनिधि का उपयुक्त राज्य सरकार की पुनर्स्थापन तथा पुनर्वास नीति का पालन करना होगा;

(iv) भू-स्वामियों अथवा भू-वार्जियों को प्रतिकर की अदायगी केन्द्र सरकार के विद्यमान मानदंडों के अनुसार की जाएगी;

(v) प्रतिकर के सभी विवादों का निपटारा उक्त अधिनियम के अधीन गठित अधिकरण द्वारा किया जाएगा। अधिकरण के विनिश्चय अंतिम होंगे और विद्युत मंत्रालय पर बाध्यकर होंगे; और

(vi) अधिकरण का राजस्व व्यय विद्युत मंत्रालय द्वारा समान अनुपात में साझा किया जाएगा।

[फा. सं. 43020-28/2007 पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 22nd October, 2008

S.O. 2982.—In exercise of the powers conferred by section 19 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), hereinafter referred to as the said Act, the Central Government hereby directs that, since it is administering the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and acquiring the land of coal blocks allocated to National Thermal Power Corporation Limited (NTPC Limited), a Public Sector Undertaking subordinate to the Ministry of Power, for captive coal mining purposes on behalf of the Ministry of Power, all or any of the powers or duties which may be exercised or discharged by it under section 17 of the said Act for disbursement of payment of compensation to land owners or oustees of land acquired under the said Act, in respect of coal blocks allocated to National Thermal Power Corporation Limited (NTPC Limited), shall be exercised or discharged also by the Ministry of Power under the following conditions:—

(i) the Coal Blocks concerned allocated by the Ministry of Coal;

(ii) the coal bearing land is being acquired under the said Act;

(iii) the Ministry of Power or its sub-delegate shall adhere to the Resettlement and Rehabilitation policy of the appropriate State Government;

(iv) compensation payment to the land owners or oustees shall be made as per prevailing norms of the Central Government;

(v) all disputes of compensation shall be settled by the Tribunal set up under the said Act. The decisions of the Tribunal shall be final and binding on the Ministry of Power, and

(vi) the revenue expenses of the Tribunal shall be shared by the Ministry of Power in equal proportion.

[F.No. 43020/28/2007-PRJW-I]

M. SHAHABUDEEN, Under Secy.

इस्पात मंत्रालय

नई दिल्ली, 27 अक्टूबर, 2008

क्र.आ. 2983.—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में नीचे दी गई अनुसूची के स्तंभ (1) में उल्लिखित व्यक्तियों को उक्त अनुसूची के स्तंभ (2) में तत्संबंधी प्रविष्टि में विनिर्दिष्ट क्षेत्रों में उक्त अधिनियम के तहत सक्षम प्राधिकारी के रूप में कार्य करने के लिए प्राधिकृत करती है।

अनुसूची

प्राधिकारी	क्षेत्रीय अधिकारिता
(1)	(2)
विशेष भूमि अर्जन अधिकारी, डी.बी.रेल लिंक जिला-क्योंझर, उड़ीसा, पिन- 758001	जिला- क्योंझर, उड़ीसा

[सं. 11(51)/2007-आई डी डब्ल्यू]

यू. पी. सिंह, संयुक्त सचिव

MINISTRY OF STEEL

New Delhi, the 27th October, 2008

S.O. 2983.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in column (1) of the Table below to perform the functions of the competent authority under the said Act in the area specified in the corresponding entry in column (2) of the said table.

TABLE

Authority	Territorial jurisdiction
(1)	(2)
Spl. Land Acquisition Officer, D.B. Rail Link Keonijhar District, Orissa, Pin- 758001.	Keonijhar District in the State of Orissa.

[No. 11(51)/2007-IDW]

U. P. SINGH, Jr. Secy.

विद्युत मंत्रालय

नई दिल्ली, 23 अक्टूबर, 2008

क्र.आ. 2984.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में पावरग्रिड कारपोरेशन ऑफ इंडिया लि., गुडगांव तथा रूरल इलेक्ट्रिफिकेशन कारपोरेशन लि., नई दिल्ली के प्रशासनिक नियंत्रणाधीन कार्यालयों को, जिनके 80 प्रतिशत कर्मचारीबुंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है:

1. पावरग्रिड कारपोरेशन ऑफ इंडिया लि., 400/220 के. वी. उप केंद्र गांव दबोदा खुरद, झझर मार्ग, बहादुरगढ़, जिला झझर (हरियाणा)-124507
2. पावरग्रिड कारपोरेशन ऑफ इंडिया लि., एससीओ 259, द्वितीय तल, सेक्टर-44सी, चंदीगढ़।
3. पावरग्रिड कारपोरेशन ऑफ इंडिया लि., चम्बा पुलिंग स्टेशन, न्यू संजीवनी हस्पिटल बिल्डिंग, खजियार रोड सुल्तानपुर, चम्बा(हि.प्र.)-176314
4. रूरल इलेक्ट्रिफिकेशन कारपोरेशन लि., पूर्वोत्तर आंचलिक कार्यालय, एकमाई बिल्डिंग, ब्लॉक -14/2, सीआईटी स्कीम-VIII(एम), उल्ताडांगा, कोलकाता-700067

[सं. 11017/1/2007-हिंदी]

आई. सी. पी. केशरी, संयुक्त सचिव

MINISTRY OF POWER

New Delhi, the 23rd October, 2008

S.O. 2984.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (use of official purposes of the union) Rules, 1976 the Central Government hereby notifies the following offices under the administrative control of Powergrid Corporation of India Ltd., Gurgaon and Rural Electrification Corporation Ltd., New Delhi, the staff where of have acquired 80% working knowledge of Hindi :-

1. Powergrid Corporation of India Ltd., 400/220 KV Sub-Station, Village Daboda K h u r d , Jhajhar Marg, Bahadurgarh, Distt. Jhajhar (Haryana)-124507.
2. Powergrid Corporation of India Ltd., SCO 259, 2nd Floor, Sector-44 C, Chandigarh.
3. Powergrid Corporation of India Ltd., Old Sanjeevani Hospital Building, Khajiar Road, Sultanpur, Chamba (HP)-176314.
4. Rural Electrification Corporation Ltd., Eastern Zonal Office, ICMARD Bulding, Block-14/2, CIT Scheme-VIII(M), Ultadanga, Kolkata-700067.

[No. 11017/1/2007-Hindi]

I. C. P. KESHARI, Jr. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 8 अक्टूबर, 2008

का.आ. 2985. - भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं:-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 7372:1995, मोटर वाहनों के लिए सोसा-अम्ल की भंडारण बैटरियों - विशिष्टि (पहला पुनरीक्षण)	3, मई 2007	07-10-2008

इस भारतीय संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ई टी 11/टी-60]

प्रकाश बचानी, वैज्ञानिक (निदेशक) विद्युत तकनीकी विभाग

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 8 October, 2008

S.O. 2985. In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standard hereby notifies that amendment to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard	No. & year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 7372: 1995, Lead Acid Storage Batteries for Motor Vehicles- Specification (First Revision)	3, May 2007	07-10-2008

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: ET 11/1-60]

PRAKASH BACHANI, Sc. E (Director) Electrotechnical Department

नई दिल्ली, 10 अक्टूबर, 2008

क्र.आ. 2986.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है:-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कोई) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस /आई ई सी 60034-8: 2002 घूर्णी विद्युत मशीनें भाग 8 टर्मिनल चिन्हांकन और घूर्णों की दिशा (दूसरा पुनरीक्षण)	-	31 अगस्त 2008

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली- 110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखों कार्यालयों अहमदाबाद, बंगलूर, भोपाल, भुवनेश्वर, कोयम्बटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 15/टी-18]

प्रकाश बचानी, वैज्ञ.-ई (निदेशक) विद्युत तकनीकी विभाग

New Delhi, the 10th October, 2008

S.O. 2986.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS/IEC 60034-8: 2002 Rotating electrical machines Part 8 Terminal markings and direction of rotation (Second Revision)	-	31 August, 2008

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 15/T-18]

PRAKASH BACHANI, Sc. E (Director) Electrotechnical Department

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 31 अक्टूबर, 2008

क्र.आ. 2987.- भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के

पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना मख्या का.आ. 67 तारीख 7 जनवरी, 2008 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मैक्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड द्वारा देश के विभिन्न हिस्सों में उपयोगों तक प्राकृतिक गैस के परिवहन के लिए कच्छीनाडा-हैदराबाद-उसन-अहमदाबाद गैस पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और, भारत सरकार अधिसूचना की प्रतिय प्रख्या की तारीख 23 जून, 2008 को अथवा उसमें पहले उल्लेख कर दी गई थीं ;

और, पाइपलाइन बिछाने के संबंध में जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारों द्वारा विचार कर लिया गया है और अनुज्ञात कर दिया गया ;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है ;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उधमें उपयोग के अधिकार का अर्जन करने का निर्णय किया है;

अतः अतः, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, भारत सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के पश्चात्, सभी विल्लंगनों से मुक्त, मैक्स रिलायन्स गैस ट्रांसपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, में निहित होगा।

अनुसूची

तहसील : हांसोट		खिला : भरुच		ग्राम : गुजरात	
गांव का नाम	अर्ब नम्बर/वर्तक नं	आर. ओ. यू. अर्जन करने के लिए क्षेत्रफल			
		हेक्टेयर	एयर	चौ.मी.	
1	2	3	4	5	
1. मांगरोल	143/9	00	07	20	
2. पर्वत	418/अ	00	40	47	
	273	00	10	12	
3. उम्राज	402	00	41	10	
	400	00	48	60	
	396	00	40	80	
	411	00	24	51	
	409	00	47	72	
4. शहेंरा	338	00	02	40	
	337	00	00	22	
	327	00	00	78	
	316	00	00	88	
	65	00	01	60	
	285	00	05	01	
	279	00	05	29	
	296	00	10	55	
	286	00	21	34	
	57	00	02	52	
	42	00	05	06	

1	2	3	4	5
	281	00	14	50
5. ओषा	423/अ	00	04	76
	482	00	02	37
6. कलम	204	00	14	58
	231/अ	00	15	24
	231/ब	00	02	33
	223	00	01	59
	167/अ	00	08	96
	169	00	07	31
	216	00	02	70

तहसील : भरुच जिला : भरुच राज्य : गुजरात

गाँव का नाम सर्वे नम्बर/ब्लॉक नं आर. ओ. यू. अर्जित करने के लिए क्षेत्रफल

हेक्टेयर एयर चौ.मी.

1 2 3 4 5

1. भाडभूत 386 00 07 10

तहसील : वागरा जिला : भरुच राज्य : गुजरात

गाँव का नाम सर्वे नम्बर/ब्लॉक नं आर. ओ. यू. अर्जित करने के लिए क्षेत्रफल

हेक्टेयर एयर चौ.मी.

1 2 3 4 5

1. आंकोट 81 00 23 86

[फा. सं. एल-140]4/54/2004-जी.पी.]

के. के. शर्मा, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 31st October, 2008

S.O. 2987.—Whereas by notification of Government of India in the Ministry of Petroleum and Natural Gas number S.O. 67 dated 7th January, 2008, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Hydrabad-Uran-Ahmedabad gas pipeline for transportation of natural gas by M/s. Reliance Gas Transportation Infrastructure Limited to Consumers in various parts of the country;

And, whereas copies of the said Gazette notification were, made available to the public on or before 23rd June, 2008;

And, whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And, whereas, the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to Government of India;

And, whereas, Government of India after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India vest, on the date of publication of the declaration, in M/s. Reliance Gas Transportation Infrastructure Limited free from all encumbrances.

Tehsil : Hb.		District : Hb.		State : Guj.	
Name of the		Survey No. : 1001/5		Area to be acquire	
				Hectare	
1				Sq. m	
1. Mar...		125		00	
2. Parva...		128		00	
3. Un...		129		00	
4. Shaker...		130		00	
5. Obla		131		00	
6. Kakra...		132		00	
7. ...		133		00	
8. ...		134		00	
9. ...		135		00	
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324. ...		450		00	
325. ...		451			

श्रम एवं रोजगारी मंत्रालय

नई दिल्ली, 30 सितम्बर, 2008

का. आ. 2988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. वी. सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम मंत्रालय संख्या 1 धनबाद के पंचाट (संदर्भ सं. 220/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार का 30-9-2008 को प्राप्त हुआ था।

[सं. एल-20012/236/2000-आई आर (सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 30th September, 2008

S.O. 2988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 220/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 30-9-2008.

[No. L-20012/236/2000-JR(C-1)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.-1, DHANBAD**

In the matter of a reference U/s. 10(1) (d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 220/2000

Parties : Employers in relation to the management of Huriladin Colliery of Kustore Area of M/s. B.C.C. Ltd.

AND

Their Workmen

Present : Shri H M. Singh, Presiding Officer.

APPEARANCES

For the Employers : Shri H.Nath, Advocate.

For the Workman : Shri R.R. Ram, Joint General Secretary, B.M.U.

State : Jharkhand : Industry : Coal

Dated, the 8th September, 2008

AWARD

By Order No. L-20012/236/2000-(C-1), dated, the 24th July, 2000 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause

(d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether by the Management of Kustore Area of M/s. BCCL in dismissing Shri Naval Kishore Azad from service from 18-11-1998 is proper legal and justified? If not, to what relief the workman is entitled?"

2. The workman has filed written statement stating that Naval Kishore Azad was a permanent workman in Huriladill Colliery under Kustore Area of M/s. BCCL and he was working as Minor/Loader and performed his duty satisfactorily and never neglected his duty. He became seriously ill on 24-2-1997 and he was suffering from fatal disease. He had informed the management regarding his illness. The Workman was under medical treatment of Dr. B.K. Singh, the Civil Assistant Surgeon of Kenduadih, Dhanbad from 24-2-1997 to 11-12-1997. The management served him a charge-sheet on 25-12-1997 during his treatment. The concerned workman replied to the charge-sheet on 15-1-1998. When he cured from his disease he requested to the authority concerned to resume his duty but the management denied to resume his duty, and he was dismissed from services w.e.f. 18-11-1998. The matter was referred to the A.L.C. (C), Dhanbad for reinstatement in his service, but the conciliation proceeding was ended in failure. Thereafter the matter has been referred by the appropriate Authority to this Hon'ble Tribunal for adjudication.

It has been stated that the dismissal from services of the concerned workman is illegal, arbitrary, improper and unjustified, so he has played to reinstate him in service with full back wages.

Rejoinder has been filed by the workman stating the same thing and it has been stated that the copy of enquiry proceeding was not supplied to the workman on 9-10-1998/6-11-98 and the concerned workman was dismissed from service on 18-11-1998.

3. The management has filed written statement stating that the reference is not maintainable on facts and law both. The workman is a permanent employee of the management and was designated as minor/loader. The concerned workman was issued chargesheet for unauthorised absence from duty with effect from 24-2-1997 under Section 26.1.1. of the Certified Standing Orders of the Company vide letter No. BCCL/HRC/97/1336 dated 25-12-1997 of the Agent/Manager, Huriladill Colliery. The concerned workman submitted his explanation which was not found satisfactory and it was decided by the management to conduct a domestic enquiry and accordingly an Enquiry Officer was appointed and notice of enquiry was served on the concerned workman vide letter No. 1382, dated 7-1-1998. The concerned workman fully participated in the enquiry was conducted according

to the rules of normal justice. The Enquiry Officer found charges levelled against the workman concerned established beyond doubt. He submitted his report to the management. Management started enquiry proceeding and the enquiry report was submitted to the workman concerned vide letter No. 1251, dated 16-11-1998 a request to check the contents within 15 days. The workman concerned submitted his contents on the report, which was found not satisfactory. Keeping in view the gravity of offence, it was decided by the management to terminate him from the company and accordingly he was dismissed from the service vide letter No. 1384, dated 18-11-1998. The concerned workman caused an industrial dispute before the A.L.C.(C), Dhanbad which was numbered as 192/99-02. The Dy. Chief Personnel Manager, Kustore Area on receipt of letter from A.L.C.(C), Dhanbad dated 13-9-1999 vide letter No. BCCI/K/A/Discipline/99 explained the facts of the case and prayed for dropping the proceeding. The present reference is outcome of this dispute.

In the rejoinder it has been stated that the concerned workman fully participated in the enquiry proceeding and he was given full opportunity by the Enquiry Officer to defend himself. At no stage he complained to the management or to the Enquiry Officer regarding conduct of the Enquiry Officer. Keeping in view of gravity of offence, the concerned workman was rightly dismissed from service. It has been prayed that award be passed in favour of the management.

4. The workman was produced before Mr. N. Kishore Azad and he proved Ext. W-1 certificate given by Dr. B.K. Singh and regarding informations to the management about his illness, Ext. W-2, W-21 and W-22 and joining letter under his signature, Ext. W-3.

The management has proved Ext. M-1, charges sheet, Ext. M-2 reply to the chargesheet submitted by the concerned workman, Ext. M-3 paper regarding enquiry, Ext. M-4 enquiry proceeding and Ext. M-5 enquiry report, Ext. M-6 letter regarding proceeding report and Ext. M-7 dismissal letter dated 18-11-1998.

5. It has been argued by representative of the workman that he was informed regarding his illness to the management. But in cross-examination WW-1 stated that he had joined duty in the year 1990. He performed duty in the year 1995 only for 54 days, in the year 1996 only for 66 days and in the year 1997 he performed duty only for 39 days. It shows that the workman is not interested to serve to the management and he was a habitual absentee.

6. The paper filed by the workman, Ext. W-1, issued by Dr. B.K. Singh for medical treatment dated 24-2-1997 shows that he got such type of treatment which is not any serious illness during this period. He said that he was ill from 24-2-1997 to 11-11-1997. He did not produce any x-ray or clinical test report.

he was actually ill. The concerned workman has not given any paper to show that he got treatment in the hospital of the management. Paper filed by the workman, certificate Annexure-1 dated 11-12-1997 is fitness certificate which shows that he was suffering from C.T.T. U.T.I is not such type of disease and it shows that he was not suffering from any serious illness. Moreover, enquiry proceedings are before this Court, if he was ill he should have produced the Doctor under whom he got his treatment, Dr. B.K. Singh so that it can be believed that he was under his treatment and certificate has been issued by such Doctor. Without producing and proving the certificate has got no value in the eye of law and on this basis the management cannot believe that the concerned workman was really ill. The paper filed by the management, papers report, Ext. M-4 shows that the concerned workman admitted his guilt. According to his statement he was working only 54 days in a year in 1995, 65 days in the year 1996 and 39 days in the year 1997. It shows his conduct that he was habitual absentee in performing his duty. In the circumstances, it shows that after proper enquiry he was dismissed on sufficient ground as per Certified Standing Order Clause 26.1.1.

7. Accordingly, I awarded the following Award. The action of the management of Kustore Area of M/s. B.C.C.L. in dismissal of Mr. Naval Kishore Azad from service from 18-11-1998 is fully justified. Hence, the concerned workman is not entitled to any relief.

(Sd/-) M. SINGH, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2008

का. आ. 2989.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुच्छेद में केंद्रीय सरकार में, श्री. सी.सी.एल. के प्रबंधन को श्रम विवादकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय समया 1, धनबाद को पंचाद (संदर्भ सं. 116/94) को प्रकाशित किया है, जो केंद्रीय सरकार को 30-9-2008 को प्राप्त हुआ है।

[सं. एन. 20012/275/92 आई आर (सा. 13)]

संलग्न लता त्रिवाम, हेल्थ अधिकारी

New Delhi, the 9th September, 2008

S.O. 2989.- In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 116/94) of the Central Government Industrial Tribunal-cum Labour Court, No. 1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 30-9-2008.

(Sd/-) 20012/275/92-IR(C-1)

संलग्न लता त्रिवाम, हेल्थ अधिकारी

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.-1, AT DHANBAD**

PRESENT

Shri H. M. Singh, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 116 of 1994

PARTIES : Employers in relation to the management of Govindpur Area No. III of M/s. B.C.C.L., P.O. Sonardih, Distt. Dhanbad.

AND

Their Workman

APPEARANCES

On behalf of the Workman : Mr. S. N. Goswamy,
Advocate.

On behalf of the Employers : Mr. D.K. Verma,
Advocate.

State : Jharkhand : Industry : Coal

Dated, the 9th September, 2008.

AWARD

The Government of India Ministry of Labour, in exercise of the powers conferred on them under section 10(1)(d) of the Industrial Dispute Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/271/1992-IR(C-I) dated the 6th May, 1994.

SCHEDULE

"Whether the action of the Management of the General Manager, Govindpur Area of M/s. BCCL, P.O. Sonardih, Distt. Dhanbad in terminating the services of Shri Putul Harin Sweeper w.e.f. January 1989 is justified? If not, to what relief in the concerned workman entitled?"

2. The case of the workman as per W. S. filed by the sponsoring union on behalf of the concerned workman is that Smt. Putul Aarif, Sweeper was appointed for maintenance and cleaners of Sinidih Officer's colony where bungalows of 28 officers and 200 employed quarters and Kendriya Vidyalaya situated. It has been stated that the quarters and Vidyalaya used to be controlled and supervision of Govindpur Area No. III of M/s. BCCL and only five sweepers have been appointed in permanent roll and five sweepers were not sufficient for maintaining and cleaning that area. As per case of the workman Smt. Putul Harin, the concerned workman and other person Shri Premial were appointed at Govindpur Area in the year 1983 for the purpose of cleaning bungalows, quarters and Kendriya Vidyalaya, on the basis of approval obtained from Koyala Bhawan, the Headquarters of M/s. BCCL on 30-11-1983 and its subsequent renewal on 25-5-1984. The job assigned to the concerned workman was to maintain cleaning latrines, ash pits, drain of bungalows, quarters sweeping Road and class rooms. She worked continuously and uninterruptedly since January, 1983 to December, 1988 and has put attendance more than 240 days in each calendar year under direct control and supervision of the management. It has

been further stated that due to her continuous demand for permanent regularisation the management have stopped the work of the concerned workman from January, 1989 suddenly without any notice, show cause or reasons violating the provisions of Section 25F of the I.D. Act, 1947. Thereafter the concerned workman placed several representations and physically approached before the authority concerned and discussions were also held at various levels between the authority concerned and the representatives of the union on 1-6-1990, 28-6-1990, 1-7-1990, 20-24-12-1990, 21-3-1991, 19-7-1991 and 14-8-1991. But inspite of the representations made to the management the concerned workman has been deprived of her livelihood. As per the W. S. of the workman the concerned workman has been treated as Badli worker whereas she ought to have been treated as regular and permanent workman. The workman side also reproduced para 7.5 of the Certified Standing Order of M/s. BCCL. Thereafter the sponsoring union of the concerned workman raised industrial dispute before the ALC(C) Dhanbad which ultimately resulted reference to this Tribunal for adjudication. It has been prayed on behalf of the workman to pass an Award in favour of the concerned workman Smt. Putul.

3. Management has also filed W.S. in which they have stated that the concerned lady Smt. Putul Harin, worked as Badli Sweeper during the period of leave and sick vacancies of permanent Sweeper deployed at Central School during the period from November, 1983 to May, 1985. It has been stated by the management that the sponsoring union raised industrial dispute before the ALC(C) Dhanbad where the management produced all relevant records and it was found that she had put total number of 234 days of attendance. The Central Government *vide* notification No. L-20012(271)/1992-IR(Coal-I) dated 13-9-1993 rejected the dispute as not fit for reference on the ground that Smt. Putul Harin worked against leave and sick vacancy intermittently for 234 days from November, 1983 to May, 1985 only. After closure of the above dispute the present reference has been made behind the back of the management completely on different terms, probably on the basis of some wrong information given by the sponsoring union. It has been asserted by the management that the reference is *prima facie* illegal and void and cannot be adjudicated. It has been submitted on behalf of the workman that the Certified Standing Order of the Company became applicable from 12-10-1990 and the concerned lady is claiming to have been stopped from her duties in January, 1989. Thus her case is not covered within the provisions of the Certified Standing Order of the Company. It has also been stated that a Badli workman does not have any right to continue in employment as her term of employer is for a particular period of leave and sick vacancy existing in place of some permanent workman. They have accordingly submitted to pass an Award holding that the concerned lady is not entitled to get any relief.

4. Management side also filed rejoinder in which they have admitted contents of some of the paras of the W. S. of the Workman. They have denied that the concerned workman has put 240 days attendance in any calendar year as the concerned workman worked on leave and sick

नई दिल्ली, 3 अक्टूबर, 2008

का. आ. 2990.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इलाकुलम के पंचाट (संदर्भ सं. 264/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-2008 को प्राप्त हुआ था।

[सं. एल-12012/289/1993 आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 3rd October, 2008

S.O. 2990.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 264/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Indian Bank, and their workman, which was received by the Central Government on 3-10-2008.

[No. L-12012/289/1993-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri. P. L. Norbert, B. A., LL.B.,
Presiding Officer

(Friday the 27th day of June 2008/6th Ashada 1930)

I.D. No. 264/2006

(I. D. 17/1994 of Industrial Tribunal, Alapuzha)

Workman : Smt.K. R. Valsala,
C/o.Sri.H.B.Shenoy,
General Secretary, Cochin Labour Union,
Vatsal, Krishna Swamy Road,
Kochi - 682 035.

By Adv.Sri.H.B.Shenoy &
Adv. Sri. Ashok B.Shenoy.

Management : The Zonal Manager,
Indian Bank, Zonal Office,
Anandhi, Chittoor Road, Pilleppady,
Ernakulam, Kochi - 682 035.

By Adv. Sri. S. Haswaran.

This case coming up for hearing on 28-05-2008, this Tribunal-cum-Labour Court on 27-06-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :—

“Whether the action of the management of Indian Bank, Cochin in terminating the services of Smt.K.R.Valsala, Part-time Sweeper with effect from 16-01-1993 is justified? If not, what relief is the said workman is entitled to?”

2. The case was pending originally before the Industrial Tribunal, Alappuzha. That court passed an award on 17-08-1996 ordering re-instatement of the workman with backwages. This was challenged before the Hon'ble High Court of Kerala by management bank in O.P.No.21984 of 1997, but was dismissed. The matter was taken up in W.A. No. 2450 of 2005. In appeal the award of the Tribunal and Judgment of the Single Bench of the High Court were set aside and the matter was remitted back to the Industrial Tribunal for a de-nova consideration on 03-07-2006. Thereafter I.D. was transferred to this Court by Industrial Tribunal, Alappuzha. Since parties were given opportunity to adduce evidence as per the judgment in Writ Appeal the documents produced before this court were marked as Exts.X1 to X3.

3. The facts of the case in brief are as follows:- Smt. K. R. Valsala was engaged as Casual Part-time Sweeper whenever her mother, permanent part-time sweeper, Smt.Janaki was on leave. from 1981 onwards till the death of Smt.Janaki in 1988. After the death of Smt.Janaki she continued to work as Part-time Sweeper on casual basis. According to the worker however she was replaced by another hand on 15-01-1993 and she was retrenched without giving either notice or compensation. The retrenchment is illegal and in violation of I.D. Act and she is entitled to be re-instated with consequential benefits of backwages, continuity of service etc.

4. According to the management Smt.K.R.Valsala was working in leave vacancies of her mother from 1981 to May 1988. Smt. Janaki died in May 1988. In accordance with the recruitment norms and guidelines the management called for a panel of candidates from employment exchange on 31-01-1989 for the purpose of selection to the post of Part-time Sweeper. However there was some delay in forwarding the panel of candidates to the management. Hence the management could select a suitable candidate only on 16-11-92. The successful candidate, Smt.T.R.Rajamma was appointed as Part-time sweeper at Pala Branch on 15-01-1993. During the interregnum Smt.K.R.Valsala and a few others were engaged as sweepers on causal basis intermittently. However Smt.K.R.Valsala worked only up to 21-07-1992. Thereafter she was not engaged even as causal labourer. She was not retrenched by the management. She was only causal worker and her engagement came to an end on 21-07-1992. Smt. Valsala was not a candidate sponsored by employment

employment hand took charge as permanent Part-Time Sweeper on 15-01-1993. During the interregnum the management had to engage the worker and 7 others on casual basis intermittently for sweeping work. But the worker was engaged only up to 21-07-1992.

8. The case of the management does not appear to be correct. Ext. W1 is the copy of relevant pages of the ledger concerning the S.B. Account of Smt. K. R. Valsala. Ext. W2 is copies of credit slips (X1 is the original). Ext. X2 is the cash book (original). Ext. X3 is the register of wages paid to temporary employees. These documents belie the contention of the management. As per these books of accounts and credit slips she had worked up to the time the employment hand assumed charge on 15-01-1993. Therefore the date of termination has to be taken as 15-01-1993 and not 21-07-1992 as submitted by the management. Therefore, for the purpose of calculation of continuous service of 240 days a period of 12 calendar months from 15-01-1993 backwards is to be taken into consideration. Hence the period of one year so far as the worker is concerned would be between 14-01-1992 and 15-01-1993. The learned counsel for the management placed much reliance on the application of the worker (Ext. M1) to argue that she herself has admitted that she has not worked during any year for 240 days. Though the worker denies the signature in the application as subscribed by her, it tallies with the admitted signatures in the claim statement and vakkalath. Ext. M1 was submitted on 09-08-1990 to the Zonal Manager requesting for regularisation as Part-Time Sweeper. In the application she has mentioned that she had worked from 12-01-1981 to 31-12-1985 for 146 days. Thereafter from 1986 to July 1990 she had worked 504 days. Thus altogether she had worked 650 days from 12-01-1981 to July 1990. The year bar split up is provided in the application. As per that, during no year she has worked for a period of 240 days. But Ext. M1 has no relevance to the issue. The period to be reckoned for the purpose of Section 25-F of I. D. Act is the period between 14-01-1992 and 15-01-1993 (preceding her termination). The learned counsel for the worker has prepared a tabular statement showing the number of days the claimant had worked from 09-05-1988 to 20-01-1993. The statement was prepared based on the credit entries in S. B. Account ledger (Ext. W1). It is not necessary to examine the credit entries in Ext. W1 and other account books prior to 14-01-1992 which is the crucial cut-off date. Therefore I would analyse the records with reference to the period between 14-01-1992 and 15-01-1993. Wherever credit entries are recorded in different registers and books of accounts, respective columns are filled with "yes" and for no credit entry "nil".

her termination she had worked 240 days irrespective of the number of days of work every month. The number of days the claimant had worked during the period from 14-01-1992 to 15-01-1993 is as follows:—

Year	Month	Days
1992	January	27
"	February	24
"	March	25
"	April	10
"	May	31
"	June	17
"	July	30
"	August	15
"	September	3
"	October	39
"	November	22
"	December	27
Total		270

9. However, the learned counsel for the management argued that all the remittances shown in Ext. W1 S.B. Account ledger of the worker do not take in wages alone, but personal remittances as well. It is true that in Ext. W1 ledger folio certain remittances are shown as cash payments and others as wages. But on close scrutiny it is not difficult to make out that the cash payments shown in the ledger are nothing but wages. For example in Ext. W1 on 23-05-1992 an amount of Rs. 96 is seen credited to the account of the worker by cash. At that time the daily wage rate was Rs. 16. Thus the amount of Rs. 96 consists of 6 days' wages (16×6). Similarly on 19-6-92 there is another cash remittance of Rs. 96. On the same day there is another remittance of Rs. 176 as wages. It is 11 days' wages at Rs. 16 per day (16×11). On 01-07-1992 there is a remittance of Rs. 80 by way of wages. It represents 5 days' wages. On 22-07-1992 there is a cash remittance of Rs. 128. It is nothing but 8 days' wages. On August 5th there is a cash remittance of Rs. 32. It is two days' wages. The remittances are described in Ext. W1 as cash as well as wages. However, after 21-07-1992 every remittance is shown as cash remittance. But the amounts remitted clearly tally with the number of days of wages @ Rs. 16 per day. The management has no case that the worker had a mini deposit account and used to remit small amounts every now and then. The worker hails from a poor family and has no proper education. She had no source of income other than the income from the service in the bank as casual worker. I wonder how she was able to deposit amounts within a gap of 3 or 4 days without fail. The contention of the management is amusing and is adopted to deprive a poor lady of her daily bread. The credit slips Ext. X1 (copy of Ext. W2) shows various remittances to the S. B. Account of the worker. The credit

Date	Leaver Entry W1	Credit Slip W2	Register of wages of Temporary employees, X2	Cash Book X3	Amount	No. of days	Remarks
14.01.92	Yes	Yes	Yes (No name)	Nil	117	9	In X 3 - no name
30.01.92	Yes	Yes	Yes (Radha)	Yes (Valsala)	78	6	The name of Valsala tampered and corrected as Radha in X 3
30.01.92	Yes	Yes	Yes (Radha)	Nil	136 (78 + 78)	7	Nil
14.02.92	Yes	Yes	Yes (No name)	Nil	176	11	
29.02.92	Yes	Yes	Yes (Radha)	Yes (Valsala)	208	1	X3 and X 2 - name differs
11.03.92	Yes	Yes	Yes (Valsala)	Nil	176	11	
31.03.92	Yes	Yes	Yes (Radha)	Yes (Vaisa)	224	14	X3 and X 2 - name differs
13.04.92	Yes	Yes	Yes (Valsala)	Nil	126	10	
04.05.92	Yes	Yes	Yes (Radha)	Yes (Valsala)	192	1	The name of Valsala in X 2 is tampered
23.05.92	Yes	Yes	Yes (Valsala)	Nil	208	14	
23.05.92	Yes	Yes	Yes (Radha)	Yes (Valsala)	96	6	X 3 and X 2 - name differs
19.06.92	Yes	Yes	Yes (Radha)	Yes (Valsala) (X 3, X 2)	96	6	X 3 and X 2 - name differs
19.06.92	Yes	Yes	Yes (Vaisala)	Nil	176	11	
01.07.92	Yes	Yes	Yes (Valsala)	Nil	80	5	
22.07.92	Yes	Yes	Yes (Radha)	Yes (Radha)	128	8	Discrepancy in the names
22.07.92	Yes	Yes	Yes (Radha)	Yes (Radha)	272	17	
22.08.92	Yes	Yes	Nil (Valsala)	Yes (Valsala)	150	9	
29.08.92	Yes	Yes	Nil	Yes (Valsala)	110	6	
01.09.92	Yes	Yes	Nil	Yes (Valsala)	47	3	
01.10.92	Yes	Yes	Nil	Yes (Valsala)	160	10	
07.10.92	Yes	Yes	Nil	Yes (Valsala)	225	15	
31.10.92	Yes	Yes	Nil	Yes (Valsala)	225	15	
02.11.92	Yes	Yes	Nil	Yes (Valsala)	240	16	
14.11.92	Yes	Yes	Nil	Yes (Valsala)	81	5	
21.11.92	Yes	Yes	Nil	Yes (Valsala)	96	6	
28.11.92	Yes	Yes	Nil	Yes (Valsala)	80	5	
01.12.92	Yes	Yes	Nil	Yes (Valsala)	32	2	
12.12.92	Yes	Yes	Nil	Yes (Valsala)	80	5	
14.12.92	Yes	Yes	Nil	Yes (Valsala)	96	6	
24.12.92	Yes	Yes	Nil	Yes (Valsala)	96	6	

slips are signed by the Manager of the bank. It was impossible for a person of the background of the worker to have remitted amounts on various days within short gaps in her account. The bank was not able to show that the worker had any other source of income. Apart from that the remittances perfectly match and tally with the wage rate of the worker. Ext.X3 register of wages of temporary employees discloses unethical method of manipulating the accounts with a view to see that the worker does not acquire any right or any kind of benefit. The payments made on 30-01-1992 to Valsala for 12 days of work is changed and corrected as payments made to Radha (said to be another casual Part-time Sweeper). However, the credit slips of that day as well as the S.B. ledger of the worker show that those payments were made to Valsala and not to Radha. On 29-02-1992 as per ledger folio and credit slip an amount of Rs.208 was paid as wages to Valsala. This is also shown in Ext.X2 cash book as payments made to Valsala. But in Ext.X3 it is shown as wages paid to Radha. On 04-05-1992 Rs.192 was paid towards wages of Valsala as per Ext.W1 and 2. But in Ext.X3 this is shown as wages to Radha. In the cash book Ext.X2 an amount of Rs.192 is seen remitted to the account of Valsala as per token No.54. However after writing the name of Valsala something is overwritten making it difficult to discern what was originally written. On 23-05-1992 Rs. 96 was remitted to the account of Valsala as per Ext. W1, W2 and X2. But in the register of wages Ext.X3 against the remittance Radha's name is mentioned. So also in respect of the remittances made on 19-6-1992 and 26-6-1992, the same discrepancy is seen.

10. For the sake of denying service benefits to a part-time sweeper, the officers of Pala branch have played the trickery. The loyalty of such officers to the bank by doing jugglery in books of account brings no luster to the institution or laurels to the officials. It is no act of valour to trick and trap a poor, illiterate lady with tampered records. In the face of such records she is unable either to counter the contention of the bank or decipher the deception. It is unfair on the part of the management to have resorted to tampering with the records to achieve their goal. The records clearly indicate that the worker had been in the service of the bank for a continuous period of 240 days during 12 calendar months preceding her termination on 15-01-1993. It follows therefore that she cannot be thrown away from service bare handed. She enjoys the protection of S.25-F of I.D. Act unmistakably. A violation of a statutory provision cannot be made good by subsequent compliance. It was mandatory to comply with the provision before she was terminated from service. However, taking into consideration the distance of time 15 years after the termination and the age factor of the worker, it may not be appropriate to order re-instatement. However the bank is bound to comply with S.25-F of the Act without driving her from pillar to post.

In the result, an award is passed finding that the action of the management in terminating the service of Smt. K. R. Valsala w.e.f. 16-01-1993 is illegal and unjustified.

The management is directed to comply with Section 25-F of the I.D. Act within the shortest possible time.

The award will come into force once month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 19th day of June, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for workman

WW 1 - 15-12-1995 Smt. K. R. Valsala.

Witness for the Management

MW 1 - 02-02-1996 Sri. Jose Joseph.

Exhibits for Workman

- W1 - Photostat copy of the Saving Bank Account No.2838 maintained by Pala Branch of Indian Bank in the name of Smt. K. R. Valsala.
- W2 - Photostat copy of the SB Account No.2838 Credit Slips maintained by Pala Branch of Indian bank for the period from 01-05-1988 to 31-01-1993.

Exhibit for Management

- M1 - 09-08-1990 Photostat copy of representation submitted by Smt. K. R. Valsala.

Court Exhibits

- X1 - Originals of the credit slips maintained in the management bank in the name of Smt. K. R. Valsala. (Originals of Ext. W2).
- X2 - Rough Cash Books for the period from 21-6-88 to 11-02-1993.
- X3 - Register of wages paid to temporary employees from 01-05-1988 to 31-01-1993.

नई दिल्ली, 3 अक्टूबर, 2008

का. आ. 2991.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिण्डीकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इरनाकुलम के पंचाद (संदर्भ सं. 172/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-2008 को प्राप्त हुआ था।

[सं. एल-12012/79/1998-आई आर (बो-11)]

राजिन्द्र कुमार, डेस्क अधिकारी.

New Delhi, the 3rd October, 2008

S.O. 2991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 172/2006) of the Central Government Industrial Tribunal-cum-

Labour Court, Ernakulam, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Syndicate Bank, and their workmen, which was received by the Central Government on 3-10-2008.

[No. L-12012/79/1998-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri. P. L. Norbert, B. A., LL.B.,
Presiding Officer

(Friday the 23rd day of May 2008/2nd Jaishtha 1930)

I.D. No. 172/2006

(I.D. 52/1998 of Labour Court, Ernakulam)

Union : The Assistant Secretary,
Syndicate Bank Staff Association,
T.D.Road, Kochi - 682 035.

By Adv. Sri. S. Nagaresh.

Management : The Divisional Manager,
Syndicate Bank, Divisional Office,
M.G.Road, Ernakulam.

By Adv. M. P. Ashok Kumar.

This case coming up for hearing on 16-05-2008, this Tribunal-cum-Labour Court on 23-05-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

"Whether the action of the management of Syndicate Bank to terminate the services of Sh. R.S.Pai. Clerk vide order dated 16-12-96 is legal and justified, and whether the management is justified in not considering the request of the Smt.Pushpa Pai. W/o. R.S. Pai terminated employee due to medical ground for compassionate appointment? If not, what relief the workman is entitled to?"

2. R.Santharam Pai was a Clerk of Syndicate Bank since 01-02-1978. While so, he met with a major accident on 26-08-1993 and sustained serious injuries. He was hospitalized and underwent prolonged treatment for Quadriplegia. He availed leave at his credit till 01-09-1996. Thereafter he applied for extra ordinary leave up to 1-9-1997. The medical Board examined the workman and certified that he had cent percent disability. The management on 16-12-1996 decided to terminate the service of the workman after giving him 3 months' notice. Since the representation of the workman and the union to retain the workman in service was not favourably considered the union has raised the industrial dispute.

3. According to the union the termination of the service of the workman is illegal and in violation of provisions of Sasthri Award and Bipartite Settlement. The workman was discriminated in the matter of dispensation of his service while in similar instances disabled persons were allowed to remain in service on humanitarian and compassionate grounds. Even if the management wanted to terminate the service of the workman they should have provided an employment to his dependant on compassionate ground. The management waited till the workman crossed the age of 55 years for terminating his service with a view to deny employment to his dependants on compassionate ground. Hence the union prays that the workman may be reinstated in service w.e.f. 20-03-1997 with all consequential benefits and continuity of service and arrears of wages or alternatively to give employment on compassionate ground to his dependants.

4. According to the management the workman had availed and exhausted all his eligible leave at credit up to 01-09-1996. The management in addition had granted extra ordinary additional leave on loss of pay. The workman was absent from duty continuously from 28-08-1993 onwards. Since the employee was totally disabled he was unable to discharge his duties. It became imperative for the bank to invoke para 522(1) of Sasthri Award and terminate his service after 3 months' notice. Since the workman was unable to discharge his duties and was not attending his duties continuously from 28-08-1993 the bank was not in a position to consider his representation. Bank has not violated any of the provisions of Sasthri Award or Bipartite Settlements. The disability of the workman is incomparable with the disability of other workers. The employment on compassionate ground is given to one of the dependants of the employee dying in harness or to a dependant of the employee opting to retire voluntarily on medical ground before attaining 55 years of age. Employment on compassionate ground cannot be claimed as a matter of right. The workman was aged 57 years at the time of termination of his service. Hence employment on compassionate ground could not be considered by the management. The bank has scrupulously followed the relevant provisions of Sasthri Award and Bipartite settlements while terminating the service of the workman. The bank has infact granted eligible leave and in addition extra ordinary leave on loss of pay. In the circumstances the workman is not entitled for any relief.

5. In the light of the above contentions the following points arise for consideration.

1. Is the termination of service of workman legal?

2. Is any of the dependants of the employee eligible to get employment on compassionate ground?

3. Reliefs, if any?

The evidence consists of the oral testimony of WW-1 and documentary evidence of Exts W-1 to W-10 on the

side of the workman and MW1 and Exts.M1 and M2 series on the side of the management.

6. **Point No.1** :—The workman Shri.R.S.Pai joined the service of the bank on 1-2-1978 as clerk. He met with an accident on 26-8-1993 and was bedridden. He applied for leave and exhausted all the leave at credit and in addition he availed additional extra ordinary leave on loss of pay up to 1996. The Medical Board which examined the workman certified that he had cent percent disability. These facts are not disputed.

7. Ext.W4 is the order of termination dated 16-12-1996. The workman had made representation to the management for reconsideration of the termination order and copy of re-representation is Ext.W5. The union thereafter raised an Industrial dispute regarding the termination of service by Ext. W6 complaint to Assistant Labour Commissioner. Ext.M 1 is the medical certificate of the Medical Board certifying that the worker is suffering from quadriplegia and he has locomotor disability. Ext.M2 series are internal correspondence of the management bank regarding leave applied and sanctioned including a letter addressed to the worker. The termination of the service of the worker is challenged on the ground that it is against S.47 of (The) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. S.47 reads :

(1) No establishment shall dispense with or reduce in rank, an employee who acquires a disability during his service :

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding could be shifted to some other post with the same pay scale and service benefits.

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(2) No promotion shall be denied to a person merely on the ground of his disability :

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section."

8. In *Kunal Singh V. Union of India* 2003 (3) KL T 61 (SC) a Constable in the Special Service Bureau suffered an injury to his left leg and his leg was amputated. He was invalidated from service on the basis of the report of Medical Board that he was permanently incapacitated for the service. A writ petition filed by the employee was dismissed. The matter came up in appeal before the Hon'ble Supreme Court.

It was held by the Hon'ble Supreme Court that S.47 contains a clear direction that the employer shall not dispense with the service of an employee who acquires the disability during his service. The Hon'ble Supreme Court further observed that the Act is a social beneficial enactment dealing with disabled persons and the object of the Act is to protect the rights of a disabled employee and provide him equal opportunities and full participation. The provision should be construed with a view to advance the object of the statute. It is a special enactment and should over-ride the provisions of a general enactment. In *F.A.C.T. V. Gopinatha Panicker* 2004 (2) KLT 455, a Division Bench of the Hon'ble High Court of Kerala held that a reading of S.47 makes it abundantly clear that no establishment shall dispense with or reduce in rank an employee who acquires a disability during his service. If possible he should be shifted to another post suitable to him or keep him in a supernumerary post until he attains the age of superannuation. It is also held that the provision is mandatory in nature. In the light of S.47 of the Act and in view of the observations in the decisions referred supra the management could not have terminated the service of the workman. He had served the management bank 15 years before he had met with a major accident and was bed ridden. He was not in a position to move or do any work since the date of accident. The management was well aware of that. The special enactment (Disabilities Act) was not taken into consideration. But invoking para 522(1) of Sasthri Award the termination was effected. Para 522(1) reads :

"(a) In cases not involving disciplinary action for misconduct, and subject to the provisions of paragraph 4 of Chapter XXXIV, the employment of a permanent employee may be terminated by three months' notice or on payment of three months' pay and allowances in lieu of notice.

(b) The service of a probationer may be terminated by one month's notice or on payment of one month's pay and allowances in lieu of notice".

9. It was argued by the learned counsel for the management that the workman has to approach first the competent authority made mention in S.50 or 57 of (The) Persons with Disabilities (Equal Opportunities Protection of Rights and full participation) Act, 1995, for any relief under the provisions of the Act and not a court of law. The submission is not appealing. There is no prohibition or exclusion of jurisdiction of the court in the Act.

10. For the purpose of carrying out the provisions of the Act stipulation is made for appointment of officers and committees. S.3 speaks of the constitution of a Central Co-ordination Committee by the Central Government. S.8 relates to functions of the Central Co-ordination Committee. Its functions are to evolve apprehensive policy for solving the problems of disabled persons, co-ordinate the activities of all Departments of Government as well as Non-

Governmental Organizations, to develop a national policy to advise Central Government on the formulation of policies, programmes, legislation and projects etc. S.9 speaks of Central Executive Committee. Section 10 refers to functions of Central Executive Committee which has to carry out the decisions of Central Co-ordination Committee. S.13 refers to State Co-ordination Committee. S.18 relates to functions of State Co-ordination Committee. Its functions are more or less the same as Central Co-ordination Committee. S.19 refers to State Executive Committee and its functions are mentioned in S.20. S.50 says that the State Government shall appoint any authority as it deems fit to be the competent authority for the purpose of the Act. S.57 refers to appointment of Chief Commissioner. The functions of Chief Commissioner are enumerated in S.58. His functions are to Co-ordinate the work of Commissioners, monitor the utilisation of funds disbursed by the Central Government, take steps to safeguard the rights and facilities made available to disabled persons and submit reports to the Central Government on the implementation of the Act at such intervals as the Government may prescribe. In addition S.59 empowers the Chief Commissioner to look into complaints with respect to deprivation of rights of persons with disabilities. Section 60 refers to appointment of Commissioners for persons with disabilities in every State by the State Government. S.61 refers to the Powers of the Commissioners. The Commissioner has to Co-ordinate the work of departments of State Government. Monitor the utilisation of funds disbursed by the State Government, take steps to safeguard the rights and facilities made available to persons with disabilities, submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner. By S.62, the Commissioner is empowered to look into complaints relating to deprivation of rights of persons with disabilities. S.63 says that the Chief Commissioner and the Commissioners of the States shall for the purpose of discharging their functions under the Act have the same powers as are vested in a court under the Code of Civil Procedure, 1908 in trying a suit. The powers are -

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any document;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

11. S-59, 62 and 63 referred above are relevant for the purpose of this case.

12. If the rights of disabled persons are denied by any establishment Chief Commissioner and the Commissioners in states can consider the grievances of such disabled persons. For considering such applications certain powers of a civil court are conferred on the Chief Commissioner and the Commissioners by S.63 of the Act. It is for the limited purpose that the power of civil court are conferred on the officers. This does not mean that the jurisdiction of court is excluded by the provisions of the Act. On the other hand it is clear from S.72 that the Act is in addition to and not in derogation of any other law. S-72 reads :

"The provisions of this Act, or the rules made thereunder shall be in addition to and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted or issued for the benefit of persons with disabilities"

Therefore this court has the jurisdiction to adjudicate an issue with regard to denial of rights of a disabled person under the provisions of the Act. S.47 gives protection to an employee who acquires disability during his service.

Establishment is defined in S.20(k) of the Act as follows:-

"establishment" means a corporation established by or under a Central Government or State Act, or an authority or a body owned or controlled or aided by the government or a local authority or a Government company as defined in Section 612 of the Companies Act, 1956 and includes Departments of a Government".

13. At the time of termination of the service of the workman he was aged 57 and he had 5 more years to serve before superannuation. As per S.47 even if the workman was totally disabled to discharge any duty still the bank could not have terminated his service, but should have kept him on a superannuation post until his superannuation. Therefore the termination of the service of the workman is illegal and in violation of S-47 of the Act.

14. Point No. 2 :- In 1993 when the workman met with the accident he was aged below 55 years. He was terminated from service in March 1997. He had made representation to the Management for getting employment on compassionate ground to one of his dependants. Ext W 5 is a copy of the representation dated 1-2-1997. According to the workman the management did not consider his representation and waited till March 1997 to terminate him from service. The family of the workman is in difficulty due to lack of income. As per the circular of the bank dated 31-3-83 the Board of Directors could have given employment to one of the dependants of the workman on compassionate ground. On the other hand it is submitted

by the learned counsel for the management that the workman is not eligible for employment on compassionate ground because the dependent wife of the workman has crossed the age of superannuation now. The scheme formulated for compassionate employment envisages providing a job to one of the dependants of the employee who dies in harness and also to the dependants of an employee opting to retire voluntary on medical grounds before attaining the age of 55 years. In the case of workman none of these factors are present to make a claim for employment on compassionate ground. Moreover he had crossed the age of 55 years at the time of termination of his service making him ineligible for compassionate employment. Moreover it is not a part of service conditions of an employee and cannot be claimed as of right. The union fairly concedes that the workman does not fall under any of the categories made mention in the scheme of the bank for employment on compassionate ground. Hence I find that the workman is not eligible for claiming employment on compassionate ground.

15. Point No. 3 :— Since the termination of the service of the workman is illegal as it is in violation of S.47 of the Act he is entitled to be treated as continuing in service till the date of superannuation. He is also eligible for all service benefits including continuity of service, arrears of wages etc. from the date he was terminated from service i.e., from 20-03-1997 till superannuation.

In the result an award is passed finding that the action of the management in terminating the service of Sri R.S. Pai by order dated 16-12-1996 w.e.f. 20-03-1997 is illegal and unjustified. He is entitled to be treated as an employee in service as envisaged in S.47 of Act I of 1995 till the date of superannuation with all consequential benefits like back wages, continuity of service etc. However his wife is not entitled for employment on compassionate ground.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 23rd day of May, 2008.

P.L. NORBERT, Presiding Officer

Appendix Exhibits for the Union

- | | |
|-----------------|---|
| W1 - | Photostat copy of Medical reimbursement claim of Sri R. Santharam Pai. |
| W2 - 03-10-1996 | Sanction order issued by Syndicate Bank in respect of the medical reimbursement claim of Sri R. Santharam Pai |
| W3 - 01-09-1996 | Photostat copy. of leave application submitted by workman. |

- | | |
|-----------------|---|
| W4 - 16-12-96 | Photostat copy of termination order. |
| W5 - 01-12-97 | Photostat copy of representation submitted by workman to the management. |
| W6 - 14-03-97 | Photostat copy of representation submitted by Union before the ALC (C) Kochi. |
| W7 - 05-05-97 | Photostat copy of representation submitted by union before the ALC (C) Kochi. |
| W8 - 20-05-97 | Photostat copy of representation submitted by Union before the ALC (C) Kochi. |
| W9 - 20-05-97 | Photostat copy of minutes of discussion held before the ALC (C) Kochi. |
| W-10 - 31-03-83 | Photostat copy of circular No.87/83/BC/PER/22/HRDD of the Syndicate Bank. |

Exhibits for the Management

- | | |
|------------------|---|
| M1 - 15-05-96 | Photostat copy of medical certificate. |
| M2 series 5 Nos. | Leave application submitted by workman and orders passed by management on leave applications. |

नई दिल्ली, 6 अक्टूबर, 2008

का. आ. 2992. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जवाहर नवोदय विद्यालय के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 115/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-2008 को प्राप्त हुआ था।

[सं. एन-42012/279/2002-आई आर (सोएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 2008

S.O. 2992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 115/2003) of the Central Government Industrial Tribunal-cum-Labour Court, No 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of Jawahar Navodaya Vidyalaya, and their workman, which was received by the Central Government on 6-10-2008

[No. 1-42012/279/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

नई दिल्ली, १० अक्टूबर, 2008

**BEFORE SHRI GYANENDRA KUMAR SHAHMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH**

Case No. ID 115/1993

Sh. Rajbir, Son of Sh. Amar Singh,
R/o Village & Post, Devrals,
The Charkhi Dadri Taluqa,

versus

The Principal, Navodaya Vidyalaya,
Devrals, Distt. Bhiwani, District,
Bhiwani

FOR AWARD

For the workman: Sh. Rajbir in person

For the management: Sh. Sandeep Kumar, Manager

S.O. (RD)

L-41012/130/1996-IR(B-1)

Central Government vide Notification No. L-41012/130/1996-IR(B-1) dated 08-08-2003, has referred the following disputes to this Tribunal for adjudication:

"Whether the action of the management of Navodaya Vidyalaya, Bhiwani in terminating the services of Sh. Rajbir S/o Sh. Amar Singh, Electrician-cum-Helper w.e.f. 21-8-2001 is just and legal? If not, to what relief the workman is entitled to?"

2. The present reference was made by the Central Government on the failure of conciliation proceedings for adjudication of the matter referred in the schedule referred above and the workman prayed for declaring the action of the management as illegal and invalid and for reinstatement in service with full back wages and all consequential benefits in the interest of justice, equity and fair play.

The management turned up and appeared at the application.

As per office memorandum dated 08-10-08, reference was fixed in pre-litigation meeting on 22-8-08 for disposal of by adopting the conciliation and conciliation procedure. With the efforts of this Tribunal, the workman agreed to withdraw his reference. Both the representatives of the management Sh. Prakash K principal and the workman made a statement that it is agreed between the parties that the workman will work on daily wages as security guard for per D.C. rates and nominal charges will be deducted on account of fooding and lodging and workman will withdraw his reference. It is propose to dispose off this reference in Lok Adalat. Accordingly the reference is returned to the Central Govt. as settled in Lok Adalat. Central Government be informed. File no. assigned to record

Chandigarh
22-8-08

S. K. SHARMA, Presiding Officer

का. आ. 2993.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार उल्लेखित रेलवे के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (चौ-1) में, (133/1997) को प्रकटित किया है, जो केन्द्रीय सरकार को ल-41012/130/1996-आई आर (बी-1) के द्वारा प्राप्त हुआ था।

[सं. एल-41012/130/1996-आई आर (बी-1)]

अमर कुमार, हेतुक अधिकारी

New Delhi, the 6th October, 2008

S.O. 2993. - In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 133/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as contained in the Annexure, in the Industrial Dispute between the management of Uttar Railway, and their workmen, which was received by the Central Government on 06-10-2008.

[No. L-41012/130/1996-IR(B-1)]

AMAR KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI R. G. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHRAM BHAWAN AT
CAMPUS Udyog Nagar, Kanpur.**

ID No. 133 of 97

Sri Shyam Lal son of D. K. Jha
C/o India Railway Employees Federation
1-46 B, G. T. Road Railway Quarters,
Opposite Ganges Floor M.T.B. Kanpur

versus

Divisional Superintending Engineer,
Divisional Railway Manager's Office,
Northern Railway, Allahabad

AWARD

1. Central Government, Ministry of Labour vide Notification No. L-41012/130/1996-IR(B-1) dated 30-07-97, has referred the following disputes for adjudication to this Tribunal—

Kya Mandal Adhikshak Abhiyanta Uter Railway Allahabad dwara Sri Shyam Lal Gangman ko Dmank 9-11-95 se sewa se mukt karna Nyayochai Hai? Yadi nahi to sambandhit Karinkar kis Aantosh ka haqdar hai?

2. The case of the workman is that he was working under PW1 (1) Northern Railway, Kanpur, and was absorbed at the post of Gangman by the opposite party. The opposite party issued a chit sheet dated 17-11-1994 to

the workman on the allegations that the workman remained on unauthorized absence from duty from 13-03-94 to 22-09-94. Apart from the above it was also mentioned in the charge sheet that the workman also remained on unauthorized absence from duty for 12 days in the year 1989, for 20 days in the year 1993 and for 25 days in the month of June 1995. The workman replied the charges where after disciplinary action under rules were initiated against the workman by the opposite party in which the Assistant Engineer Northern Railway, Fatehpur, was nominated as enquiry officer. It is also pleaded by the workman that before initiation of inquiry the workman vide his letter dated 12-04-95 made a request before the enquiry officer to provide him copies of documents listed in the charge sheet for making his effective defence, and without providing the same opposite party started departmental inquiry against the workman. It is the further case of the workman that after getting leave sanctioned for the period 2-4-94 to 12-4-94 the workman had gone to his village and due to illness of her wife he could not report for his duty, after expiry of sanctioned leave and he informed about it by sending a telegram to the opposite party with request to extend leave for 20 days and the period of absence mentioned in the charge sheet is incorrect. It is alleged that the workman remained on Hurt on Duty for the period 16-2-94 to 21-3-94 and, also remained on sanctioned leave for the period 2-4-94 to 12-4-94. It has also been pleaded by the workman that he actually remained, absent from his duty from 13-4-94, the reason for which was the illness of her wife and the workman remained busy in her treatment. It has been further pleaded that prior to the present charge sheet the opposite party issued him charge sheet in which charges for his alleged absence in the year 1989, 1993 and 1994 have been settled by the opposite party which is evident from order dated 11-11-94. The workman was issued show cause notice dated 11-8-95 in which it the workman was directed to reply the same within a period of 15 days. Although it was mentioned in the alleged show cause notice that a copy of inquiry report is enclosed with the same but in fact no such copy was ever provided to the workman in respect of which the applicant requested in writing on 1-9-95 and in this way in the absence of the copy of inquiry report, the workman remained handicapped to reply the show cause notice effectively in his defence and ultimately the disciplinary authority without providing him opportunity of his defence passed final orders dated 9-11-95 whereby the services of the workman were removed by the opposite, party. The punishment orders dated 9-11-95 is illegal and void in the eye of law and has been passed without proper application of mind by the disciplinary authority. The workman preferred an appeal against the final order before the appellate authority on 22-12-95, which has not been decided till date. On the basis of above it has been prayed that the punishment order dated 9-11-95 being illegal and invalid be set aside and the workman be reinstated in the service of the opposite party with full back wages continuity of service and all consequential benefits.

2. The claim of the workman has been vehemently disputed by the opposite party on the ground that the reference is ambiguous and misconceived too and is liable to be returned; the disputant parties as given in the reference order, are Shyam Lal son of D. K. Jha and the Railway Administration respecting one Shyam Lal Gangman; said Shyam Lal son of D. K. Jha has no authority to espouse or prosecute or conduct the case as he is neither a registered Trade Union nor has any authority to espouse the claim nor any individual can raise a dispute under section 10(1) of the I.D. Act. The reference has been visibly procured on false misrepresentation and is not legally sustainable reference. Even otherwise no Shyam Lal son of any D. K. Jha has ever remained as a gangman under opposite party therefore question of his alleged removal or discharge and or retrenchment never arises and at any rate the reference is in respecting a non entity and espoused by an entity devoid of any locus standi and is liable to be replied accordingly and lastly it is pleaded that in all events the claim statement on record is a nullity in law and on facts and is worth no consideration therefore reference is also liable to be returned with a no claim award.

3. On behalf of the workman Sri D. K. Jha has filed rejoinder statement in which nothing new has been pleaded except reiteration of the facts already pleaded in the statement of claim.

4. In the present case on behalf of the workman his wife Smt Sushila Devi examined her self as worker witness in support of the claim of the workman. Witness on oath has stated before the tribunal that during the pendency of the case her husband Shyam Lal expired in the year 1998 and that the original documents connected with the case has been filed in the case. She goes on to state that her husband was working as Gangman under P.W.I and that her husband was removed from service in the year 1995.

5. As is evident from the order sheet the management was debarred from evidence on 13-08-04 as they failed to adduce any evidence despite availing of a number of opportunities. Thus virtually there is no evidence worth the name in support of their case. Even management also failed to cross examine the workers evidence. Workers evidence has proved the documents which have been marked as Exhibit W-1 to Exhibit W-16.

6. I have heard the arguments of the parties at length and have also gone carefully with the records of the case.

7. Ext. W-1 is the postal receipt of the telegram dated 16-04-94, Ext. W-2 is the certificate of Doctor Rajendra Prasad in which it has been certified that Smt. Sushila Devi wife of Sri Shyam Lal remained under his treatment from 13th March, 94 to 20th June 1994, Ext. W.3 is yet another certificate of the same doctor certifying that the Smt. Shushila Devi wife of Shyam Lal was under her treatment till 22-9-94, Ext. W-4 is copy of minor punishment order

dated 11-11-94, Ext.W-5 is the copy of charge sheet dated 17-11-94, Ext.W-6 is letter dated 12-4-95 of the workman addressed to the inquiry officer demanding return of documents in his defence, Ext.W-7 and W-8 are the copies of postal receipts, Ext.W-9 is the copy of charge sheet proceedings dated 1-9-95, Ext.W-10 is copy of charge proceedings in which statement of workman was recorded by the inquiry officer and cross examination of prosecution witness Sri SMA Siddiqui were recorded, Ext.W-11 is the witness has admitted the fact that the workman was absent on Hurt on Duty during the period 24-2-94 to 11-3-94, goes on to admit the fact that the workman reported for sanctioned leave for the period 2-4-94 to 16-11-94, Prosecution witness during the course of his deposition categorically admitted the fact that period of absence was regularized

imposing punishment of W.T for one year and the Assistant Engineer, Fatehpur, Prosecution witness has expressed his ignorance about receipt of any telegram of the workman requesting twenty days leave, Ext.W-12 is the sanctioned leave but the fact that the workman did not present a telegram extending leave for twenty days is not established from Exhibit W-1 which is a copy of receipt of telegram issued in the month of April 1994, on a specific question posed to him by the inquiry officer prosecution witness has admitted that the period of absence from 13-4-94 stands regularized on the basis of awarding punishment of W.T for one year and the workman vide order dated 11-11-94 and likewise he has admitted that the period of absence stands regularized by HOD from 16-2-94 to 21-3-94, Period of absence from 16-3-94 to 12-4-94 as LAP and period 13-4-94 to 16-11-94 as absent, Ext.W-12 is the copy of show cause notice, Ext.W-13 is the copy of letter dated 1-9-95 of a workman addressed to the Divisional Railway Manager, Fatehpur, demanding copy inquiry report on the ground that although it is mentioned in the show cause notice that copy of inquiry report is enclosed with it but it is not found enclosed with the show cause notice, Ext.W-14 is the final order dated 9-11-95 by means of which the workman was imposed punishment of removal from railway service and lastly Ext.W-15 is the copy of appeal presented by the workman before the appellate authority, Apart from Ext.W-16 is the copy of postal receipt of reply to the copy

8. As against it the opposite party has filed photocopies of certain documents in support of its claim but according to the settled provisions of law production of documents is not admissible piece of evidence proved before a court of law. Therefore, as is evident from the management has been debarred from the production of photocopies of documents filed by them cannot improve their case for any purpose and is of no help to them. The evidence of worker's side remains uncontroverted and therefore there is no reason to disbelieve the evidence on behalf of the workman by means of which the case of the worker stands proved to the effect that the workman was

neither provided with the documents mentioned in the charge sheet nor the documents had been provided with the copy of inquiry report by the opposite party which according to the settled principle of law have caused serious prejudice to the workman in making effective defence against the charges. And under the facts and circumstances the tribunal is of the confirm opinion that for the reasons discussed above, having regard to the uncontroverted evidence on the workers side, the action of the management cannot be held to be justified and legal and thus is in breach of the settled provisions of law that NO ONE SHOULD BE DEPRIVED OF HIS UNHEARD. Thus from the above it is concluded that the workman had not been provided with the opportunity of his defence as required by the principles of natural justice and rules governing the service conditions of the workman. As discussed above it is concluded that the action of the opposite party is in breach of principles of natural justice and rules governing the service conditions.

9. Before summarizing the case it may be pointed out that it has come in the evidence where the wife of the workman has examined herself W.W-1 in support of the claim of her husband that her husband during the course of pendency of the present case expired in the year 1998, therefore a question of reinstatement in the instant case is not posed.

10. Having concluded that the action of the opposite party in removing the workman from the service of the railway with effect from 1998 is neither just nor legal, it is held that the workman should be entitled for entire back wages till the date of his death together with other consequential benefits attached with the post on the premises as if the workman had never been removed from the service of the opposite party at any point of time. Consequently the workman is held entitled for his full back wages, continuity of service and all consequential benefits attached with the post.

11. Reference is made in above terms

(Sd/-) SURESH K. SHUKLA, Presiding Officer

नं० १०६७/७६ अक्टूबर, 2008

का. आ. 2994, आधिकारिक विवाद अधिनियम, 1997 (1947 का 14) की धारा 1 के अन्तर्गत में केन्द्रीय सरकार द्वारा बैंक के प्रबंधन के संबंध में विवादों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय ई. 2, चण्डीगढ़ के पंचात (संदर्भ सं. 597/2KS) को प्रकाशित करती है, जो केन्द्रीय सरकार की 06-10-2008 को प्राप्त हुआ था।

[सं. एल. ११०११६४/२०००-आई आर (बी-11)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 6th October, 2008

S.O. 2994.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 597/2KS) of the Central Govt. Industrial Tribunal-cum-Labour Court, No. 2, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of UCO Bank and their workman, received by the Central Government on 06-10-2008.

[No. L-12012/168/2000-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I.D. No 597/2KS

Registered on : 23-8-2005

Date of Decision : 2-9-2008

Shri R.N. Chopra S/o Inderjeet Chopra R/o 234 Dada Colony
Industrial Area, Jalandhar City, Jalandhar.

....Petitioner

Versus

UCO Bank, Zonal Manager, Zonal Officer, Chandigarh.

...Respondent

APPEARANCES

For the workman : Mr. O.P. Batra, Advocate,

For the management : Mr. N.K. Zakhmi, Advocate

AWARD

Vide their order No. L-12012/168/2000-IR(B-II) dated 16th of Feb, 2001 the Ministry of Labour government of India referred the following dispute for the adjudication of this Tribunal:

"Whether the action of the Asstt. General Manager, UCO bank in terminating the services of Shri R.N. Chopra s/o Shri Inderjit Chopra is legal and just? If not, what relief the concerned workman is entitled to and from which date?"

The reference was entered in the concerned register and notices were issued to the parties who appeared through their counsel. They filed their respective claims in the shape of statement of claim, written statement, replication and supported the same with the affidavit of the workman and of Shri Harwail Singh Saini, Asstt. General Manager of the Management. The Management placed on record the enquiry proceeding file and submitted that since the action against the workman was taken after holding domestic enquiry and which the workman has claimed not

to be fair, therefore, before proceeding further in the matter arguments on the fairness of the domestic enquiry be heard. In these circumstances the parties have argued on the fairness of the enquiry.

Briefly stated the claim of the workman is that he was posted as clerk in Gurmandi, Jalandar branch of the management Bank when he was served with a charge sheet. Before he could reply to the chargesheet the management initiated the enquiry proceedings against him by violating principles of natural justice, equity and fair play. The enquiry was also conducted with mala fide intentions so as to dismiss the workman from service. The enquiry officer did not consider the statement of the defendant. Had anything happened within the premises of the Gurmandi Branch of the Bank, the management would have lodged the FIR, but nothing such was done. The order dismissing the workman from service is wrong, unjustified and illegal. The order of appellate authority is also wrong and unjustified. Even otherwise the punishment awarded is disproportionate to the charges leveled against the workman. The workman has prayed for his reinstatement in service with full back wages and benefit of continuity of service.

The claim of the workman has been opposed by the Management. It stated by them that the reference is not maintainable; that the petitioner while posted in Gurmandi branch of the management bank committed serious acts of misconduct on 12th of Dec, 1998 for which he was charge sheeted. The petitioner took a number of opportunities to reply the charge sheet but did not file and tried to delay the matter. Sensing the intentions of the workman, the management initiated enquiry against him. During the enquiry proceedings the workman was given full opportunity to defend him. After due consideration of the enquiry report the disciplinary authority again issued notice to the workman to show cause why the punishment of dismissal from service be not imposed on him. The petitioner replied the notice and also availed the opportunity of personal hearing. The disciplinary authority went through the enquiry report, the reply to notice given by the workman and the record of the enquiry file. After dispassionate consideration of the matter the disciplinary authority found the charges leveled against the workman proved and imposed the punishment of dismissal from service on the workman. The workman went in appeal. The appellate authority though did not disturb the enquiry findings, yet took a lenient view of the matter and converted the penalty of dismissal from service to that of removal from service with terminal benefits.

The workman filed replication, reiterated the facts stated in the claim petition and denied the claim made by the management in the written statement. He however, admitted that he had filed a complaint about the alleged occurrence before Judicial Magistrate and the same was dismissed. Thus, he has admitted the occurrence and the dismissal of the complaint. His plea that no occurrence had taken place otherwise the management would have lodged the FIR, goes away.

From the pleadings of the parties it is clear that the services of the workman were dispensed with after holding a domestic enquiry. Domestic Enquiry in industrial cases has acquired great significance and industrial adjudication attaches considerable importance to such an enquiry. According to the Hon'ble Supreme Court an enquiry is not an empty formality but an essential condition to the legality of the disciplinary order. In other words, before the delinquent workman can be dismissed for misconduct, the employer should hold a fair and regular enquiry into the misconduct and dismissal without holding a regular enquiry would be illegality. It is also well settled that the disciplinary enquiry has to be quasi-judicial, should be held according to the principles of natural justice and the enquiry officer has a duty to act judicially. The Hon'ble Supreme Court in the case *Central Bank of India Ltd versus Karunamony Banerjee*, reported as (1967) 2LLJ 739, has laid down the law that the rules of natural justice require that the workman proceeded against should be informed clearly of the charges leveled against him; witnesses should be normally examined in his presence in respect of the charges; if statements taken previously and given by the witnesses are relied on, they should be made available to the workman concerned; the workman should be given a fair opportunity to examine witnesses, including himself, in support of his defence; and the inquiry officer should record his findings based on the evidence so adduced. Karnataka High Court in the case of *G.R. Venkateshwara Reddy versus Karnataka State Road Transport Corporation* reported as (1995) 1LLJ 1011, has laid down the following requirements of reasonable procedure subject to any special provisions relating to procedure in the relevant rules, regulations, Standing Orders or a statute:

- (a) the employee shall be informed of the exact charges which he is called upon to meet;
- (b) he should be given an opportunity to explain any material relied on by the management to prove the charges;
- (c) the evidence of the management witnesses should be recorded in the presence of the delinquent employee and he should be given an opportunity to cross examine such witnesses;
- (d) the delinquent employee shall either be furnished with copies of the documents relied on by the management or be permitted to have adequate inspection of the documents relied on by the management;
- (e) the delinquent employee should be given the opportunity to produce relevant evidence- both documentary and oral which include the right to

examine self and other witnesses; and to call for relevant and material documents in the custody of the employer;

- (f) Whenever the disciplinary authority is different from disciplinary authority, the delinquent employee shall be furnished with a copy of the inquiry report and be permitted to make a presentation to the disciplinary authority against the findings recorded in the inquiry report.

In this background it has to be seen whether in this case the management has held a fair and proper enquiry against the workman or not. In all his fairness, the counsel for the workman admitted that a proper enquiry was held in the case. He failed to point out any laxity committed by the Enquiry Officer while conducting the enquiry. He, however, submitted that the misconduct alleged against the workman was his solitary act and taking that aspect into consideration the punishment awarded is very harsh. He has placed on record a copy of the award passed by CGIT- cum-Labour Court, Chandigarh in the case of *V.K. Handa*, who was also proceeded against for the misconduct he committed along with the present petitioner in the same occurrence and prayed for taking a lenient view in the matter. He further stated that the workman is now dead and that is another reason for taking a compassionate view in the matter.

I have considered all these aspects and have also gone through the file enclosed.

After examining the record of the case I am of the opinion that the management has held a fair and proper enquiry in the matter. The workman was given full opportunity to defend himself. The misconduct alleged and proved against him is a really serious one and the punishment award is not only proper but lenient and considerate. As proved, the conduct of the workman was that of a madman. He not only insulted but also threatened and physically manhandled senior officials of the management in the full view of employees of the branch of the management bank. The evidence produced in the case show that the workman could not prove that he had any reasons to insult Shri K.J. Khanna, Senior Manager and Shri J.B. Bansal, Assistant Manager. He has also failed to show as to why the witnesses made statements against him. I do not find any reasons to disturb the punishment awarded to the workman. Hon'ble Supreme Court of India in the case of *MAHINDRA AND MAHINDRA LTD. VERSUS N.B. NARAYAN, ETC.* reported as 2005 CLR 360, has enumerated the circumstances in which the Industrial Tribunal can interfere with the quantum of punishment awarded by the management. Their Lordships has said that "Discretion is available only on existence of

certain factors like punishment being disproportionate to gravity of misconduct so as to disturb conscience of the Court or existence of any mitigating circumstances". In that case the workman was found guilty in the enquiry of having used abusive and filthy language against the superior without provocation. The Labour Court found the punishment of dismissal from service as harsh and improper and substituted with reinstatement, continuity of service and 2/3rd back wages. The Supreme Court held the order of the Labour Court and that of the High Court upholding the order of the Labour Court unjustified and held that the punishment awarded was well justified and did not need interference with regard to quantum in the circumstances of the case. A similar view was taken by the Apex Court in the case of U.P. State Road Transport Corporation Versus Subhash Chandra Sharma and Ors reported as 2000 Factories Journal Reports Vol. 96 page 441 and in the case of L.K. Verma Versus H.M.T Ltd. & Ors., reported as 2006(1) Service Cases Today 601. They held that verbal abuses are sufficient for inflict a punishment of dismissal.

Deterrent punishment is must to maintain discipline at the workplaces. In the present case the misconduct was committed in a financial institution where the people pose confidence and expect orderly working therein. The conduct of the workman must have shocked the conscious of all those present and in the circumstances the punishment awarded was well justified. In the circumstances the workman is not entitled to any relief. The reference answered against him and the award is passed. Let a copy of it be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2008

का. आ. 2995.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिण्डिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्रिम न्यायालय नं. 2, चण्डीगढ़ के पंचाट (संदर्भ सं. 1054/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-2008 को प्राप्त हुआ था।

[सं. एल-12011/80/2003-आई आर (बी-11)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 6th October, 2008

S.O. 2995.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 1054/2005) of the Central Govt. Industrial Tribunal-cum-Labour Court, No. 2 Chandigarh as shown in the Annexure, in the

Industrial Dispute between the management of Syndicate Bank and their workmen, received by the Central Government on 6-10-2008.

[No. L-12011/80/2003-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, SECTOR 18A,
CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case I. D. No. 1054/2005

Registered on : 20-9-2005

Date of Decision : 17-9-2008

The State Secretary, Syndicate Bank Employees Union,
C/o Syndicate Bank, Faridabad-121001

...Petitioner

Versus

The Assistant General Manager, Syndicate Bank, Sarojini
House, 6 Bhagwan Dass Road, New Delhi-110001

...Respondent

APPEARANCES

For the Workman : Mr. Dharam Singh A. R.

For the Management : Mr. Gopal Mahajan, Advocate

AWARD

At the request of representative of the workman, who claims himself to be the Chairman of Syndicate Bank Employees' Union, Chandigarh, the Union which has espoused the cause of the workman, the file has been summoned from records. It is stated by him that the management has agreed to resolve the dispute between the parties favourably, therefore, the workman has authorized the union to withdraw from the contest of the present dispute. The statement of Shri Dharam Singh has been recorded and he has admitted the contents of letter. In the circumstances I do not feel it necessary to call the management and propose to answer the reference in their absence.

The Government of India, Ministry of Labour vide their letter No. L 12011/80/2003-IR(B-II), dated 11th of September, 2003 referred the following dispute for the adjudication of this Tribunal :

"Whether the action of the management of Syndicate Bank represented through the General Manager, New Delhi by imposing the punishment of 'stoppage

of one increment with cumulative effect for withholding of wages for the suspension period? Sh. N.A. Soti, Clerk, Srinagar Branch of Savings Bank was just, fair and legal? If not, what relief the workman is entitled to and from which date?"

The notice of the reference was given to the parties. The workman appeared through representative who and the management appeared through counsel. The workman filed his statement of claim to which the management filed written statement. The parties placed on record the affidavits of their witnesses. The workman appeared as witness, whereas the management examined their witnesses and cross-examined by the workman. The parties placed on record a number of documents. The case is now fixed for arguments on 15th of October, 2008 when the workman has requested for dismissing the reference as withdrawn.

The amicable settlement is the best settlement, there is no doubt about it. Now when the workman has shown his satisfaction about the anticipated settlement of the dispute, there is no point to go into the merits of the case and reply the reference. Taking into account the prayer of the workman made through his union, the reference is disposed of as withdrawn and the award is passed holding that the workman is not entitled to any relief from this Tribunal. Let the copy of the award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDEEP SINGH, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 2008

का. आ. 2996, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में केंद्रीय सरकार द्वारा प्रोटेक्शन सेक्टर के प्रबंधकों के संबंध में निोजकों और उनके कामगारों के बीच, अनुसूची में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण अधिनियम, 1947, चण्डीगढ़ के पंचायत संख्या 103/2005 को प्रकाशित करती है, जो केंद्रीय सरकार को 6-10-2008 को प्राप्त हुआ था।

[सं. एन. 42012/143/2004-IR(CM-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 2008

S.O. 2996. In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 103/2005) of the Central Govt. Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of Doordarshan Maintenance Centre, and their workmen, which was received by the Central Government on 6-10-2008.

[No. L-42012/143/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CUM-LABOUR COURT II SECTOR-18-A,
CHANDIGARH.**

Presiding Officer : Shri Kuldeep Singh

Case ID No. 103/2005

Registered on : 19-7-2005

Date of Decision : 17-9-2008

Kamal Kishore Singh, Counsel for Shri Subhash Dhanwan, B. A. LL.B, Legal Officer and AR, near Power Colony, No. 1, Sujampur, Patna-800 001

...Petitioner

Against

The Incharge, Sh. Government of India, Doordarshan Maintenance Centre, Patna-800 001

...Respondent

APPEARANCES

For the workman : Mr. Subhash Dhanwan, Advocate.

For the management : Mr. Indarjit Singh Sidhu, Advocate

AWARD

The workman is not present. He was not present on 30th of April, 2008 and not even on previous dates. He last attended this Tribunal on 18th of July, 2008 and requested for summoning the record of the management. On the direction of the Tribunal Shri S.K. Puri, employee of the management appeared along with record on 15th of October, 2007, 30th April, 2008 and he is present even today, but neither the workman nor his counsel appeared on these dates to examine the witness present along with record. It is in these circumstances a notice under registered cover was issued to the workman vide postal receipt No 5771 dated 3rd of May, 2008. The notice sent has not been received back unserved nor the workman has appeared. From his conduct it is clear that he is no more interested to prosecute his claim. In the circumstances the witness summoned is discharged.

The Government of India, Ministry of Labour vide their order No. L-42012/143/2004-IR(CM-II), dated 29th of June, 2005 referred the following dispute for the adjudication of this Tribunal

"Whether the action of the management of Doordarshan Maintenance Centre represented through Incharge Sh. Govt of India, Doordarshan

Maintenance Centre, Pathankot in terminating the services of Sh. Kamal Kishore, Water Boy w.e.f. February, 2001 is legal and justified? If not, to what relief he is entitled to and from which date?"

The notice of the reference was given to the parties who appeared through their counsel. The workman filed his claim petition and the management filed reply thereto. The workman filed the replication and his affidavit. The management filed the affidavit of Shri Shashi Kant Puri, their Assistant Engineer and also placed on record copies of a number of documents. As stated earlier, on the request of the workman the record as detailed in the application was also summoned, but the workman has failed to examine that record and to appear in the case.

The Claim of the workman is that he was appointed as Water Boy by the management w.e.f. 1st of April, 1996 and his services were terminated in February, 2001 without giving him notice or notice pay and retrenchment compensation, thus his termination from service is illegal. It is further his case that after the termination of his services, the management engaged Messrs. Shakunta Devi and other fresh hands ignoring the claim of the workman. The management has denied the claim of the workman. It is stated by them that the workman does not fall under the category of a workman since he had not served the management for 240 days; that the workman was engaged on contract and was paid accordingly. On the completion of job awarded his services were discontinued. The management has denied that the workman was getting rupees 1728/- P.M in February, 2001 when the work allotted to him had come to an end. They have further denied that after the disengagement of the workman any other person was engaged. The workman appeared as witness and proved his affidavit WW1 and also relied upon annexure 20, muster rolls for June, 1999 mark-A and B. He claimed that he had worked from January to September, 1999 for the days as shown in the statements annexed with the written statement. He denied to have worked part time in the months of June, November and December, 2000 on a monthly rate of rupees 1000/- and claimed that he had worked for whole of the months. He admitted that he was getting salary @ 1000/- and 1200/- P.M but claimed to have worked whole of the day. He admitted the contents of statements exhibits M-1 to M 26 except M-19 and stated that it is wrong that he was not getting salary @ 1728/- in February, 2001. He denied that his services were terminated on the expiry of period of contract in February, 2001.

It is on record that the workman admitted the contents of documents exhibits M-1 to M-26 except M-19. These

very documents clinch the matter in dispute. All these documents read that the engagement of the workman was as part time contract labour and he was paid on daily wages which varied from time to time. The hours of working also were different. Some times he was paid @ 52/- per day and sometimes @ 72/- rupees per day. His hours of working also varied from three to four hours a day. The workman has not placed on record any document nor has produced any witness to show that he had been appointed in the service of management on regular or temporary. The evidence available on record rather shows that the engagement of the workman was on contract. Having been engaged on contract he was not entitled to any notice or notice pay or retrenchment compensation. There is, therefore, no ground to claim that the management violated the provisions of Industrial Dispute Act, 1947 by disengaging him. He is therefore, entitled to no relief. The reference is answered against him and the award is passed. Let the copy of the award be sent to the Appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 8 अक्टूबर, 2008

का. आ. 2997.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इज्यूसी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ सं. 24/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2008 को प्राप्त हुआ था।

[सं. एल-22012/327/2005-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th October, 2008

S.O. 2997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of Western Coalfields Limited, and their workmen, received by the Central Government on 8-10-2008.

[No. L-22012/327/2005-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR****Case No. CGIT/NGP/24/07****Date: 29-9-2008**

Petitioner/ : The President,
Party No.1 Koyla Shramik Sabha, Coal Estate, Civil Lines, Nagpur on behalf of Shri Sarju Prasad & Shri Ramdas Suryawanshi.

Versus

Respondent/ : The Sub-Area Manager,
Party No.2 Western Coalfields Limited, Makardhokda Sub-area, Tah. Umar, Nagpur

AWARD**(Dated 29th September, 2008)**

1. The Central Government after satisfying the existence of dispute between The President, Koyla Shramik Sabha, Coal Estate, Civil Lines, Nagpur on behalf of Shri Sarju Prasad & Ramdas Suryawanshi, (Party No. 1) and the Sub-Area Manager, Western Coalfields Limited, Makardhokda Sub-area, Tah. Umar, Nagpur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/327-2005-1R(CM-II) dated 12-06-2007 under clause (d) of sub-Section (1) and sub-Section (2A) of Section 10 of Industrial Dispute Act, 1947 [14 of 1947] with the following schedule.

2. "Whether the action of the management of Western Coalfields Limited, Makardhokda Sub-area is legal and justified in denying promotion to the workman Shri Sarju Prasad & Shri Ramdas Suryawanshi to the post of F.P. Fitter (Exec.) Gr. 'C' w.e.f. 5-12-2003? If not, to what relief are the workmen entitled?"

3. The case came up for hearing on 24-9-2008 on which the case was fixed for filing the statement of claim by the workman. Nobody appeared and both were absent when called. On perusal of Rojnama Order sheet shows that nobody is appearing for the Petitioner even from the first date which was fixed after issuing the notices to the parties. In fact, the Petitioner never appeared before the Court right from the beginning of the case. There are no reasons to continue to fix it for filing the statement of claim. Even the workman is not taking any interest and there are no reasons to continue the proceeding. Hence I dismissed it for default and pass the negative award.

Date: 29-9-2008**A. N. YADAV, Presiding Officer**

नई दिल्ली, 8 अक्टूबर, 2008

क्रा. आ. 2998, औद्योगिक विवाद अधिनियम, 1947
 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार द्वारा

सौ. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/क्रम न्यायालय नागपुर के पंचाट (संदर्भ सं. 31/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2008 को प्राप्त हुआ था।

[सं. एल-22012/292/2001-आई आर (सीएम-II)]**अजय कुमार गौड़, डेस्क अधिकारी****New Delhi, the 8th October, 2008**

S.O. 2998.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of WCL, Western Coalfields Limited (H.Q.), and their workmen, received by the Central Government on 8-10-2008.

[No. L-22012/292-2001-IR(CM-II)]**AJAY KUMAR GAUR, Desk Officer****ANNEXURE****BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR****Case No. CGIT/NGP/31/03****Date: 29-9-2008**

Petitioner/ : Shri S Q Zama,
Party No. 1 General Secretary, Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) C-3, Koyla Vihar, Civil Lines, Nagpur

Versus

Respondent/ : The Chief General Manager,
Party No.2 WCL, Nagpur Area, Jaripatka, Nagpur.

AWARD**(Dated 29th September, 2008)**

1. The Central Government after satisfying the existence of dispute between Shri S Q Zama, General Secretary, Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) C-3, Koyla Vihar, Civil Lines, Nagpur (Party No. 1) and The Chief General Manager, WCL, Nagpur Area, Jaripatka, Nagpur, (Party No.2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/292/2001-1R(CM-II) dated 28-01-2003 under clause (d) of sub-Section (1) and sub-Section (2A) of Section 10 of Industrial Dispute Act, 1947 [14 of 1947] with the following schedule.

2. "Whether the action of the management of M/s WCL, Nagpur in relation to Silwana Area in dismissing the workman Shri Mohammed Tariq, Loader Token No 3842 from service w.e.f. 19-4-2001 is legal and justified? If not, to what relief the said workman is entitled to?"

3. The reference came up for hearing on 23-9-2008 on which also the Petitioner and his Counsel are absent. They are not attending the case since last two years. He has not even filed a statement of claim. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner. I pass the negative award that he is not entitled for any relief.

Date: 29-9-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 8 अक्टूबर, 2008

क्र. आ. 2999.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इण्डियन ब्यूरो आफ माइन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ सं. 231/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2008 को प्राप्त हुआ था।

[सं. एल-22012/240/2002-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 8th October, 2008

S.O. 2999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 231/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the management of Indian Bureau of Mines, and their workmen, received by the Central Government on 8-10-2008.

[No. L-22012/240/2002-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/231/03

Date: 25-9-2008

Petitioner/ Party No.1 : Shri Gurusingh S/o Shri Shankar Singh Thakur, Plot No.132, Rambhau Mahalgi Nagar, Hudkeshwar Road, Nagpur

Versus

Respondent/ Party No.2 : 1. The Controller General, Indian Bureau of Mines, Indira Bhawan, Civil Lines, Nagpur; and

2. The Executive Engineer (Elect), C.P.W.D., Bungalow No. A-B, Civil Lines, Nagpur.

AWARD

1. The Central Government after satisfying the existence of dispute between Shri Gurusingh S/o Shri Shankar Singh Thakur, Nagpur (Party No.1) and 1. The Controller General, Indian Bureau of Mines, Indira Bhawan, Civil Lines, Nagpur; and 2. the Executive Engineer (Elect), C.P.W.D., Bungalow No. A-B, Civil Lines, Nagpur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No.L-22012/240/2002-IR(CM-II) dated 30-9-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Indian Bureau of Mines through its Head of Office, Nagpur in terminating the services of Shri Gurusingh S/o Shri Shankar Singh Thakur as a 'Lift Operator' is proper, legal and justified? If not, to what relief is the said workman entitled?"

3. The reference came up for hearing on 12-9-2005 on which the Respondent was absent. The Petitioner has not filed a statement of claim despite of the application dt. 18-7-2005 submitted for extension of time to file statement of claim. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the petitioner and I am passing the negative award that he is not entitled for any relief.

Date: 25-9-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 8 अक्टूबर, 2008

क्र.आ. 3000.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनबीपी/34/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-10-2008 को प्राप्त हुआ था।

[सं. एल-40012/141/2004-आई आर (डी.यू.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 8th October, 2008

S.O. 3000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/34/05) of Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Sr. Supdt. of Post Office, and their workman, which was received by the Central Government on 8-10-2008.

[No. L-40012/141/2004-IR (DU)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE SHRI A.N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR****Case No. CGIT/NGP/34/05****Date: 30-9-2008****Petitioner/Party No. 1****Shri Pravin Dattugi Junghare,****Walani Mine Post Office, Quarter No. 245, Taluka Saneer****District: Nagpur****Versus****Respondent/Party No. 2****The Senior Superintendent of Post Office,****Nagpur Mofussil Dn., Nagpur.****AWARD****(Dated : 30th September, 2008)**

1. The Central Government after satisfying the existence of dispute between Shri Pravin Dattugi Junghare, Walani Mine Post Office, Quarter No. 245, Taluka Saneer District Nagpur (Party No.1) and the Senior Superintendent of Post Office, Nagpur Mofussil Dn., Nagpur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-40012/141-2004-IR (DU) dated 10-2-2005 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule:-

2. "Whether the action of the management of Postal Department through its Sr. Supdr. of Post Office, Nagpur Mofussil Dn., Dhanoli Nagpur-12 (MS) in termination of service of Shri Pravin Dattugi Junghare, an Ex-UDMU, Walani Colliery Post Office, Taluka Saneer, Dist. Nagpur is proper, legal and justified? If not, to what relief to the disputant workman is entitled to?"

3. The reference came up for hearing on 25-9-2008 on which also the Petitioner and his counsel were absent. On perusal of the Rajnama, it indicates that the Petitioner after filing the Affidavit, the case was fixed for cross-examination of the Petitioner. However, he is not attending the Court from 8-1-2007. His counsel is also not attending the case. It shows that the Petitioner has no interest in prosecuting the case. There are no reasons to continue the reference only waiting for Petitioner for years together. Hence, the reference is dismissed for default of the Petitioner and I pass this negative award that he is not entitled for any relief.

Date: 30-9-2008**A.N.YADAV, Presiding Officer****नई दिल्ली, 10 अक्टूबर, 2008**

का.आ. 3001,— औद्योगिक विवाद अधिनियम, 1947 (14 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार मिथिला ग्रामीण बैंक के प्रबंधन के संवद्ध नियोक्तों और उनके कामकाज में बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार के संवद्ध

अधिकरण, धनबाद नं.1 का संवद्ध नियोक्तों संख्या 281/2000 को प्रकाशित करती है, जो केंद्रीय सरकार को 10-10-2008 को प्राप्त हुआ था।

[सं. एल-12012/179/2000-आईआर(बी-1)]**अजय कुमार, डेस्क अधिकारी****New Delhi, the 10th October, 2008**

S.O. 3001,—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. 281/2000) of Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the Industrial Dispute between the management of Mitihila Kshetriya Gramin Bank, and their workmen, received by the Central Government on 10-10-2008.

[No.L-12012/179/2000-IR (B-1)]**AJAY KUMAR, Desk Officer****ANNEXURE****BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.1) AT DHANBAD
PRESENT****Shri H. M. Singh, Presiding Officer**

In the matter of an Industrial Dispute under Section 10 (1) (d) and 2 (A) of the Industrial Disputes Act, 1947

Reference No. 281 of 2000**PARTIES:-**

Employers in relation to the management of Mitihila Kshetriya Gramin Bank, Darbhanga and their workman

APPEARANCES:-

On behalf of the workman : Mr. K. Chakravarty,
Advocate.
On behalf of the employers : Mr. D. K. Verma,
Advocate
State : Jharkhand Industry : Banking.

Dated, Dhanbad, the 22nd September, 2008.**AWARD**

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/179/2000 IR (B-1) dated the 19th September, 2000.

SCHEDULE

"Whether the workman Shri Ramakant Sahu has worked for 240 days in the Ujjaina Branch of Mitihila Kshetriya Gramin Bank. If yes, whether the action of the management of Mitihila Kshetriya Gramin Bank in terminating the services of Shri Ramakant Sahu Casual Worker is legal and justified? If not, what relief the workman concerned is entitled to?"

2. Written Statement has been filed on behalf of the concerned workman stating therein that he has been working as permanent workman in permanent nature of job since 30-5-97 to 24-5-99 continuously and regularly with unblemished record of service. He was originally appointed on 30-5-97 against permanent vacancy and since the date of joining he had been working as cleaning/sweeping mazdoor regularly to the satisfaction of the management. It has been alleged that the management was not maintaining statutory and other records about the engagement of the concerned workman in order to camouflage the real issue and to exploit the petitioner taking advantage of his poor financial condition. It has been further asserted that the concerned workman was working regularly under the direct control and supervision of the management and had put in more than 240 days of attendance in each calendar year. As soon as the concerned workman started demanding for his regularisation the management orally stopped the concerned workman from duty. Thereafter the concerned workman represented before the management several times against the illegal and arbitrary termination of service but without any effect. Thereafter the concerned workman raised industrial dispute before the ALC (C), Patna which ultimately resulted reference to this Tribunal. It has been further stated by the concerned workman that the management stopped the concerned workman from duty without complying the provisions of Section 25F of the I.D. Act and without following the principle of natural Justice. Accordingly it has been prayed on behalf of the workman that an Award be passed in favour of the workman directing the management to reinstate the concerned workman to his original job with full back wages and other attendant benefit.

3. In the W.S. submitted by the management it has been stated that the present reference is not legally maintainable. This is an individual dispute and as such the same is beyond the scope of adjudication by the Hon'ble Tribunal. It has been submitted that the concerned workman was terminated from his services w.e.f. 25-5-1999 and he did not raise any demand either before the management or before the ALC (C) for a long period. He for the first time made his representation before the conciliation officer on 30-11-1999 and the conciliation officer issued notice to the management on 22-12-1999 for attending his office relating to the case of the concerned workman. Therefore, the concerned workman raised the present demand after a long period of more than six months before the ALC (Central) Patna and the present reference should not have been made by the appropriate Government. It has been stated further that there is a general instruction to all the branches of the Bank to engage a local coolie on contractual basis for an hour or so for a day on the days of his engagement during temporary absence of the permanent messenger to bring drinking water and to fill the same in a pitcher for the staff members and to clean and sweep the Branch office. Accordingly the Head Office of the Bank had instructed the Ujjaina Branch vide letter

dt. 21-6-1997 to engage a local person for sweeping the branch office premises and fetch drinking water for the staff. The concerned workman was never taken in Bank's service and his name is not at all on the attendance register of the Ujjaina branch. The concerned workman has obtained some Bank's papers/documents and get their photocopied which does not indicate that he was in Bank's Services. Further it has been stated that the Bank is a loss making Bank and is already having surplus staff in all cadres including messenger cadre due to merger of loss making Branches and conversion of some of our Branches in to satellite centres and hence, there is no vacancy in 4th Grade cadre in this Bank. Moreover, there exists only one permanent sanctioned post of Messenger-cum-Sweeper for that village Branch office Ujjaina of the Bank and that post already been filled up by a permanent staff of Class IV cadre, the question of regularising the concerned workman could not and did not arise. It has been further stated that the concerned workman was never appointed and taken in Bank's service, hence there is no question of his working in the Ujjaina Branch of Bank for 230 days in a calendar year. Therefore, the question of termination of the services of the concerned workman does not and cannot arise. The question of compliance of Section 25F violating the principle of natural justice can never arise. Accordingly it has been stated by the management that an Award be passed in favour of the management rejecting the claim of the concerned workman.

4. Both sides have filed rejoinder admitting and denying the contents of some of the paras of each other's W.S.

5. The workman side in order to substantiate his claim has examined WW-1 Rama Kant Sao and proved Ext.W-1. Management examined MW-1 Ganesh Verna and proved Ext.M-1, M-1-1 and M-2.

6. I.d. Counsel for the workman argued that he has called for two items of documents vide petition dated 29-10-2001 regarding payment vouchers for the period 30-5-97 to 25-5-99 and letters dated 23-7-98 and 17-5-99. But the management have failed to file those documents and therefore adverse inference has to be drawn against the management. In this respect as per oral evidence the concerned workman has stated in his cross-examination that he was appointed verbally and no appointment letter was given to him and that he had not filed any application for supplying a copy of this letter. The Branch Manager gave him suo moto. He has further stated in his cross-examination that "it is not a fact that there was no mention of my name in the original letter dated 17-5-99. Vide Ext.M-1 but I have filed the xerox copy of the same by entering my name vide Ext.M-1/1." No appointment letter has been filed by the workman. Verbally appointment of any workman cannot be made by any institute. As per photo copy of the letter dated 21-6-97 (M-1/1) it shows that the said letter has been issued by the Branch manager, Mithila Kshetriya Gramin bank wherein the name of the concerned workman

is mentioned. But in the original (Ext.M-1) his name does not figure anywhere. Ld. Counsel for the workman argued that MW-1 stated in his deposition that he was not posted in the Branch during the period from 30-5-97 to 25-5-99. This does not affect in any way the case of the management. Managers and officers come and go in course of their employment. MW-1 in his cross-examination stated that cleaning job and the job of messenger are continuous in nature and are required to be performed regularly. He has also stated in his deposition that he does not have the personal knowledge in regard to the engagement of the concerned workman and that as to for how long in a month the concerned workman worked in the said branch of the Bank. He has also stated in his deposition in cross-examination that he knows about those documents which were called for from the management at the instance of the concerned workman, and that it is true that the records are maintained in the Bank so far as complete financial transactions are concerned. He has stated that the records are maintained in the Bank to show as to when and how the reimbursement was made and from the records it can be gathered as to how much amount was made to the workman working on casual basis and for how many days. It shows that the management has not produced the documents called for by the workman in order to suppress the truth. It also shows that management does not want to come with clean hands.

7. Ld. Counsel for the workman based his argument on Ext.W-1 which is a letter written by the Branch Manager, Mithila Kshetriya Grantin Bank to head office of the said Bank regarding engagement of the concerned workman @ Rs. 10 per day is daily wages. This letter has been written with a view to enhance his wages from Rs. 10 as this is insufficient. This letter only shows that the concerned workman has been engaged on daily wage basis.

8. In this respect the workman side has referred decisions of the Hon'ble Patna High Court reported in 1980 Lab L.C. 669 in which Hon'ble Court held "Industrial Disputes Act (1947) Sections 2(k), 2A - Industrial dispute- Seasonal factory - Removing a workman from permanent service and allowing him to continue as seasonal worker- Dispute as to - Amounts to an industrial dispute. In the present case the workman concerned is not in permanent service. Ld. Counsel for the workman also referred to another decision reported in I.L.L.J. 1986 page 127 in which Hon'ble Supreme Court laid down the following

Industrial Disputes Act - 1947 - Ss. 2 (ook 2 (ot, 2A 25B, 25F, Schedule V Item No. 10 - Name of employee who is provided with work whenever available Struck off from the list of Dikka Mazdoor - Refusal to provide work - No written orders of termination on the specious plea that he was disqualified for the post being a Matriulate, based on confidential Circular - Action of the Management amounts to retrenchment and the same is in violation of the mandatory provisions - The dispute comes squarely within S.2 (A) of the I.D. Act - Deliberate refusal to

engage the employee continuously amounts to unfair labour practice "

Ld. Counsel for the workman also referred to a decision reported in 206 (198) CLR 213 in which Hon'ble Supreme Court laid down the following:—

Industrial Disputes Act, 1947—Section 25F - Burden of proof—As to the completion of 240 days of continuous work in a year -Is on the claimant to show that he had worked for 240 days -Burden is discharged as a witness - However mere affidavits or self serving statements by claimant-workman will not suffice in discharge of burden.

Daily wages - State Government - Should take steps to maintain proper costs of services rendered by daily wagers.

Industrial Disputes Act, 1947 - Section 10 - Evidence Act - In terms do not apply to proceedings under section 10 of the Act

Industrial Disputes Act, 1947 - Section 25-F Continuous work for 240 days - Since initial burden was not discharged by workman - Industrial Court High Court had erred in ordered reinstatement solely on an adverse inference drawn erroneously.

Ld. Counsel for the workman also referred to another decision reported in 2002 (23) L.J.N. 368 in which Hon'ble Supreme Court laid down the following :

Industrial Disputes Act, 1947 - Contract Labour (Regulation and Abolition) Act, 1970, S.10 Retrenchment - Industrial dispute raised on Retrenchment of workmen - Appellant -employer contending that workman were not direct employees contract labourers - Tribunal on appreciation of facts holding that workman were not contract labourers but were direct employees and should be deemed to be continuing in service - Whether the Tribunal traversed beyond the reference - Held when the appellant had claimed workmen to be contract workers the nature of their employment - had necessarily to be decided - Order of Tribunal cannot be seriously assailed "

9. Ld. counsel for the management referred to a decision reported in 2006 (2) CLR - 282 (SC) - Secretary, State of Karnataka - Appellants & Ors. vs. Uma Devi & Ors. respondents in which Hon'ble Supreme Court laid down the following:

Constitution of India - Article 226 - wide powers thereunder-Courts should desist from issuing orders for continuance of those who have not secured regular appointments per established procedure - wide powers under Article 226 are not intended to be used for the purpose of perpetuating illegality's irregularities or misdoings or for scuttling the whole scheme of public employment - High Court is the

Courts are not to ignore, encourage or approve appointments made or engagements given outside the constitutional scheme.

2006 (2) SCALE 115 : JT 2006 (2) SC 1 : 2006 (2) PLJR (SC) 1 : 2006 (2) ILJR (SC) 80- Relied upon. AIR 1984 SC 363- Referred to.

Service Law- Appointments-no employment is envisaged outside the constitutional scheme and without following the requirements set down therein-equality of opportunity is the hallmark-provisions exist for affirmative action to ensure that unequals are not treated equals—though the Government is not precluded from making temporary appointments, regular appointments must be the rule - Constitutional scheme of public employment flows from Articles 14, 16, 315, 320 and 335—in absence of any right to a post or to a particular status, appointment cannot be deemed to be valid-directions for re-engagement of such persons in any other work would make judicial process another mode of recruitment de hors the rules. (Paras 10, 12, 22, 24, 27 and 40)

Service-Law - Regularisation only something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularised and that it alone can be regularised granting permanence of employment is a totally different concept-Courts ought not to impose a financial burden on the State of directions for regularisation or permanence. (Paras 14 and 17)

1967 (1) SCR 128 : (1972) 2 SCR 799 (1979) 3 SCR 937 Relied upon.

1988 (1) SCR 598 : 1989 Suppl. (2) SCR 513- Distinguished.

1990 (1) SCR 544 - Not binding precedent.

1991 Suppl. (3) SCR 553 - Relied upon.

Service Law- Appointment-equality- rule of equality in public appointments is a basic constitutional feature -unless appointment is in terms of relevant rules and after a proper competition same would not confer any right on the appointees - contractual appointment ends with the contract - daily wages or casual appointment ends with discontinuation - temporary appointee cannot claim permanency on expiry of the term-by merely working for a long time one does not acquire a right for regularisation- such persons cannot invoke doctrine of legitimate expectation.

1973 Suppl. SCR 1 : 1999 Suppl. (5) SCR 229 : (1987) 1 SCR 798 (2004) 7 SCC 122 - Relied upon.

(1990) 1 SCR 544 : (1992) 3 SCR 826 - Discussed.

Service Law -Absorption - High Court should not U/Art. 226. ordinarily issue directions for absorption regularisation or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme - merely because an employee had continued under cover or an order of

the court (litigious employment) he would not be entitled to be absorbed or made permanent. (Para 34)

Service Law- Pay - equal pay for equal work - while accepting employment, daily wages or casual or temporary, person concerned knows the nature of his employment and wages to be paid - daily wages form a class by themselves - they cannot claim discrimination with regular employees - equal work they cannot be treated at par with regular employees - Articles 14 and 16 not attracted (Paras 36 and 39).

As per law laid down by the Hon'ble Supreme Court in the Uma Devi's case persons on daily wage casual basis are not entitled to be regularised even though in the present case management has not come with clean hands and has not filed record to this Tribunal to assess the case of the workman. Hence, the following Award is rendered:—

“ As the concerned workman Ramakant Sabu has failed to prove that he has worked for 240 days the question of his termination by the management of Mithila Kshetriya Gramin Bank does not arise. Consequently, the concerned workman is not entitled to get any relief.”

H. M. SINGH, Presiding Officer.

नई दिल्ली, 21 अक्टूबर, 2008

का.आ. 3002.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा -1 की उपधारा-(3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 नवम्बर, 2008 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा- 76 की उप धारा (1) और धारा- 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध पश्चिम बंगाल के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्,

“ जिला बर्दमान के बामुनारा एवं बॉसकोपा मौजा के क्षेत्रों को शामिल करके ।”

[सं. एस-38013/41/2008-एस.एस.1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 21st October, 2008

S.O. 3002.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st November, 2008 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Section 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of West Bengal namely:—

“ Areas comprising Mouzas of Bamunara and Banskopa in the District of Burdwan”.

[No S-38013/41/2008-S. S.1]

S.D. XAVIER, Under Secy.

नई दिल्ली, 30 अक्टूबर, 2008

मुख्य शीर्ष - 2230

का. आ. 3003, केंद्रीय सरकार, सिनेमा कर्मकार कल्याण निधि अधिनियम, 1981 (1981 का 33) की धारा 9 के अनुसरण में, वर्ष 2007-2008 के लिए उक्त अधिनियम के अधीन लेखाओं का विवरण और वित्त पोषित क्रियाकलापों की रिपोर्ट, अनुसूची-1 और अनुसूची-2 के अनुसार क्रमशः निम्न प्रकार से प्रकाशित करती है :

अनुसूची - 1

वर्ष 2007-2008 के लिए सिनेमा कर्मकार कल्याण निधि के लेखाओं का विवरण आय

1-4-2007 को आरंभिक बकाया	रु. 1.71 करोड़
वर्ष के दौरान अंतर्गत उपकर	रु. 1.35 करोड़
कुल आय	रु. 3.06 करोड़

व्यय

मुख्य शीर्ष - 2230

01.110 सिनेमा कर्मकार कल्याण निधि

01.110.02- प्रशासन

लेखा का शीर्ष	इकाई	व्यय (हजार रुपये में)
02.00.11	घरेलू यात्रा व्यय	120
02.00.13	कार्यालय व्यय	94
	योग	214

मुख्य शीर्ष - 2230

01.110 सिनेमा कर्मकार कल्याण निधि

01.110.04- स्वास्थ्य

लेखा का शीर्ष	इकाई	व्यय (हजार रुपये में)
04.00.01	वैतन	5083
04.00.02	मजदूरी	8
04.00.6	विकल्पीय उपचार	33
04.00.11	घरेलू यात्रा व्यय	125
04.00.13	कार्यालय व्यय	290
04.00.14	किराया, दर और कर	88
04.00.21	सामग्री और प्रदाय	964
04.00.50	अन्य प्रकार	1656
	योग	6161

01.110 सिनेमा कर्मकार कल्याण निधि

01.110.03 शिक्षा

लेखा का शीर्ष	इकाई	व्यय (हजार रुपये में)
03.00.34	छात्रवृत्ति और वृत्तिका	3114
03.00.50	अन्य प्रकार	37
	योग	3151
	योग जिल्सा (2230)	9526

मुख्य शीर्ष - 4250-सिनेमा कर्मकार कल्याण निधि

स्वास्थ्य

मोटर यंत्र	153
योग सिनेमा स्वास्थ्य (4250)	153
कुल योग	9679

कुल आय रु. 3.06 करोड़

कुल व्यय रु. 11.07 करोड़

अनुसूची - II

वर्ष 2007-2008 के दौरान सिनेमा कर्मकार कल्याण निधि के

अधीन वित्त पोषित क्रियाकलाप

क्रम सं.	क्रियाकलाप का नाम	इकाई
1	2	3
क. स्वास्थ्य :		
1.	स्थिर-सह चलचित्रों पर प्राथमिक और मध्य आयुर्वेदिक औषधात्मक	3
2.	औषधालय में उपचार किए गए रोगियों की संख्या	80485
3.	कैंसर रोग का उपचार	2
4.	हृदय रोग का उपचार	18
5.	किडनी रोग का उपचार	4
6.	छोटे रोग	1
7.	बसों का क्रय	8
8.	प्रसूति प्रसुविधा योजना	5
ख. सामाजिक सुरक्षा :		
9.	गुप्त योजना योजना	11268

1	2	3
	ग. शिक्षा :	
10.	सिनेमा कर्मकारों के विद्यालय जाने वाले बालकों को छात्रवृत्ति दिया जाना।	1894
11.	सिनेमा कर्मकारों के विद्यालय जाने वाले बालकों को पुस्तक/युनिफॉर्म का प्रदाय	144

[फा. सं. एस-51025/1/08 डब्ल्यू. II]

अनिल स्वरूप, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 30th October, 2008

S.O. 3003.—In pursuance of Section 9 of the Cine Workers Welfare Fund Act, 1981(33 of 1981), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2007-2008 as per Schedule-I and Schedule-II, respectively, as under:

CINE WORKERS WELFARE FUND**SCHEDULE-I****STATEMENT OF ACCOUNTS****INCOME**

Opening Balance as on 1-4-2007	Rs. 1.71 crores
Cess transferred during the year	Rs. 135 crores
Total Income	Rs. 3.06 crores

Major Head-2230**01.110-Cine Workers Welfare Fund****01.110.02- Administration**

Head of A/c	Units	Expenditure (Rs. in thousand)
02.00.11	Domestic Travel Expenses	120
2.00.13	Office Expenses	94
	Total	214

Major Head-2230**01.110-Cine Workers Welfare Fund****01.110.04- Health**

Head of A/c	Units	Expenditure (Rs. in thousand)
04.00.01	Salaries	3087
04.00.02	Wages	8
04.00.06	Medical Treatment	33
04.00.11	Domestic Travel Expenses	125
04.00.13	Office Expenses	230
04.00.14	Rents, Rates and Taxes	58
04.00.21	Material and Supply	964
04.00.50	Other Charges	1656
	Total	6161

Major Head-2230**01.110-Cine Workers Welfare Fund****01.110.03- Education**

Head of A/c	Units	Expenditure (Rs. in thousand)
03.00.34	Scholarships and Stipend	3114
03.00.50	Other Charges	37
	Total	3151
	Total Cine (2230)	9526

Major Head-4250- Cine Workers Welfare Fund**Health**

Motor Vehicle	153
Total CINE Health (4250)	153
Grand Total	9679
Total Income	3.06 crores
Total Expenditure	0.97 crores

SCHEDULE-II**ACTIVITIES FINANCED UNDER THE CINE-
WORKERS WELFARE FUND DURING THE YEAR
2007-08**

Serial No.	Name of the Activity	Units
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A. Health.

1.	Static-cum-Mobile/Static Allopathic and Static Ayurvedic Dispensaries	3
2.	Number of patients Treated in dispensaries	86038
3.	Treatment of cancer	2
4.	Treatment for Heart disease	18
5.	Treatment for Kidney disease	4
6.	Minor Diseases	1
7.	Purchase of Spectacles	5
8.	Maternity Benefit scheme	5

B. SOCIAL SECURITY :

9.	Group Insurance Scheme	11168
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C. EDUCATION :

10.	Award of Scholarships to the school going children of Cine Workers	1894
11.	Supply of Book/ Uniform to the school going children of Cine Workers	144

[F. No. S-51025/1/08-W.II]

ANIL SWARUP, Director General (Labour Welfare)
Jt. Secy.

नई दिल्ली, 30 अक्टूबर, 2008

का. आ. 3004.- केंद्रीय सरकार, चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का 62) की धारा 10 के अनुसरण में वर्ष 2007-2008 के लिए उक्त अधिनियम के अधीन लेखाओं का विवरण और वित्त पोषित क्रियाकलापों की विस्तृत अनुसूची-1 और अनुसूची-2 के अनुसार क्रमशः निम्न प्रकार से प्रकाशित करती है :-

अनुसूची - 1

**चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि
के लेखाओं का विवरण आय**

1-4-2007 को आरम्भिक प्रकाया	रु. 53.61 करोड़
वर्ष के दौरान अंतर्गत उपकर	रु. 22.56 करोड़
कुल आय	रु. 76.17 करोड़

व्यय**मुख्य शीर्ष - 2230****01.107 चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि****01.107.01- प्रशासन**

लेखा का शीर्ष	इकाई	व्यय (हजार रुपये में)
01.00.01	वेतन	11750
01.00.02	मजदूरी	142
01.00.03	अतिकाल भत्ता	45
01.00.06	चिकित्सीय उपचार	205
01.00.11	घरेलू यात्रा व्यय	589
01.00.13	कार्यालय व्यय	2449
01.00.14	किराया, दर और कर	421
01.00.16	प्रकाशन	44
01.00.28	वृत्तिक सेवाएं	16
	योग	15861

मुख्य शीर्ष - 2230**01.107 चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि****01.107.02- स्वास्थ्य**

लेखा का शीर्ष	इकाई	व्यय (हजार रुपये में)
1	2	3
02.00.01	वेतन	2442
02.00.02	मजदूरी	65
02.00.03	अतिकाल भत्ता	13
02.00.06	चिकित्सीय उपचार	155
02.00.11	घरेलू यात्रा व्यय	586

1	2	3
02.00.13	आवासन व्यय	117
02.00.14	किराया, दर और कर	470
02.00.21	मानवी और प्रशिक्ष	2309
02.00.27	नाष्ट कार्य	10
02.00.31	सहायक अनुदान	1134
02.00.50	अन्य प्रभाव	553
	योग	42390

मुख्य शीर्ष 2230**01.107 चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि****01.107.06 शिक्षा**

लेखा का शीर्ष	इकाई	व्यय (हजार रुपये में)
06.02.01	वेतन	158
06.02.11	आवासन व्यय	5
06.02.21	मानवी और प्रशिक्ष	1142
06.02.36	विज्ञापन और प्रचार	7
06.02.31	सहायक अनुदान	1901
06.02.34	सामग्री और वृत्तिका	11212
06.02.50	अन्य प्रभाव	471
	योग	14896

मुख्य शीर्ष 2230**01.107 चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि****01.107.03- मनोरंजन**

लेखा का शीर्ष	इकाई	व्यय (हजार रुपये में)
1	2	3
03.00.01	वेतन	2570
03.00.03	अतिकाल भत्ता	13
03.00.06	चिकित्सीय उपचार	34
03.00.11	आवासन व्यय	114
03.00.13	आर्थिक व्यय	98
03.00.14	किराया, दर और कर	101
03.00.21	मानवी और प्रशिक्ष	184

1	2	3
03.00.27	लघु कार्य	50
03.00.31	सहायता अनुदान	1425
03.00.50	अन्य प्रभार	365
	योग	5009

मुख्य शीर्ष - 2230**01.107 चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि
01.107.04- आवास**

लेखा का शीर्ष	इकाई	व्यय (हजार रुपए में)
04.01.01	वेतन	932
04.02.31	निम्न लागत गृह निर्माण स्कीम	200
04.03.31	बीवाईओएचएस-सहायता अनुदान	2005
	योग	3137
	योग(2230)	81262

**मुख्य शीर्ष - 4250- चूना पत्थर और डोलोमाइट खान श्रम
कल्याण निधि-स्वास्थ्य**

मोटर यान	744
मशीनरी और उपस्कर	5
कुल योग	749

**मुख्य शीर्ष - 4250- चूना पत्थर और डोलोमाइट खान श्रम
कल्याण निधि-मनोरंजन**

मोटर यान	21
योग	21
योग (4250)	770
कुल योग	82032

कुल आय 76. 17 करोड़

कुल व्यय 8. 20 करोड़

अनुसूची -II**वर्ष 2007-2008 के दौरान चूना पत्थर और डोलोमाइट खान
श्रम कल्याण निधि के अधीन विनियोजित क्रियाकलाप**

क्रम सं.	क्रियाकलाप का नाम	इकाई
1	2	3

क. स्वास्थ्य :

1.	स्थिर-सह-गतिशील/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक औषधालय	32
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1	2	3
2.	औषधालयों/अस्पतालों में उपचार किए गए रोगी	405795
3.	तपेदिक से पीड़ित चूना पत्थर और डोलोमाइट खान कर्मकारों का आवासीय उपचार	1
4.	कैंसर पीड़ित चूना पत्थर और डोलोमाइट खान कर्मकारों का उपचार	1
5.	मानसिक रोगों का उपचार	1
6.	चश्मों का क्रय	286
7.	महिला चूना पत्थर और डोलोमाइट खान कर्मकारों के लिए प्रसूति प्रसुविधा स्कीम	1
8.	चूना पत्थर और डोलोमाइट खान कर्मकारों की नसबंदी के लिए धन संबंधी प्रतिकर का संदाय	1
9.	एंडुलेंस बेन का उपापन	1
10.	हृदय रोग का उपचार	3
11.	गुर्दा रोग का उपचार	1
12.	अंतर्वेष्टि के लिए वित्तीय सहायता	8

ख. आवास

13.	अपना स्वगृह निर्माण करे स्कीम, सामूहिक गृह निर्माण स्कीम, आर्थिक रूप से कमजोर वर्ग स्कीम, दाईप 1 और 2 गृह निर्माण स्कीम के अधीन स्वीकृत गृहों की संख्या	262
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ग. शिक्षा

14.	चूना पत्थर और डोलोमाइट खान कर्मकारों के स्कूल जाने वाले बालकों को छात्रवृत्ति और अन्य वित्तीय सहायता प्रदान करना ।	708452
15.	वर्दी/ पाठ्यपुस्तकों का प्रदाय	6113
16.	स्कूल बस के लिए अनुदान	5
17.	पुस्तकालयों के लिए अनुदान	1

घ. मनोरंजन :

18.	श्रव्य-दृश्य सेंटों/सिनेमा चनों के माध्यम से चूना-पत्थर और डोलोमाइट खान कर्मकारों के लिए फिल्मों का प्रदर्शन	24
19.	चूना पत्थर और डोलोमाइट खान कर्मकारों के लिए क्रीड़ाओं, खेलकूद, सामाजिक और सांस्कृतिक क्रियाकलापों का आयोजन ।	41
20.	यातायात के लिए बस	3
21.	टीवी सेंट	2
22.	खेलकूद के सामान की खरीद	8

1	2	3
	हु जलप्रदाय	
23.	लघु खानों की सहायता	1
24.	बड़ी खानों की सहायता	1

[फा. सं. एल-50025/4/08-डब्ल्यू. II.]

अनिल स्वरूप, प्रधानदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 30th October, 2008

S.O. 3004. In pursuance of Section 10 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972 (62 of 1972), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2007-08 as per Schedule -I and Schedule-II, respectively, as under :

SCHEDULE-I

STATEMENT OF ACCOUNTS OF THE LIMESTONE AND DOLomite MINES LABOUR WELFARE FUND

INCOME

Opening Balance as on 1-4-2007	Rs. 53.01 crores
Cess transferred during the year	Rs. 22.56 crores
Total Income	Rs. 75.57 crores

EXPENDITURE**Major Head-2230**

01.107-Limestone and Dolomite Mines Labour Welfare Fund

01.107.01- Administration

Head of A/c	Units	Expenditure (Rs. in thousand)
1	2	3
01.00.01	Salaries	11730
01.00.02	Wages	142
01.00.03	Overtime Allowance	48
01.00.06	Medical Treatment	905
01.00.11	Domestic Travel Expenses	600
01.00.13	Office Expenses	2649
01.00.14	Rents, Rates and Taxes	421
01.00.16	Publication	44
01.00.28	Professional Services	10
	Total	15861

Major Head-2230

01.107-Limestone and Dolomite Mines Labour Welfare Fund

01.107.02- Health

Head of A/c	Units	Expenditure (Rs. in thousand)
02.00.01	Salaries	23542
02.00.02	Wages	365
02.00.03	Overtime Allowance	13
02.00.06	Medical Treatment	188
02.00.11	Domestic Travel Expenses	386
02.00.13	Office Expenses	1172
02.00.14	Rents, Rates and Taxes	470
02.00.21	Material and Supply	4309
02.00.27	Minor Work	30
02.00.31	Grants-in-aid	11351
02.00.50	Other Charges	583
	Total	42359

Major Head-2230

01.107-Limestone and Dolomite Mines Labour Welfare Fund

01.107.06- Education

Head of A/c	Units	Expenditure (Rs. in thousand)
06.02.01	Salaries	158
06.02.11	Domestic Travel Expenses	5
06.02.21	Material and Supply	1142
06.02.26	Advertisement and Publicity	7
06.02.31	Grants-in-aid	1901
06.02.34	Scholarships and Stipend	11212
06.02.50	Other Charges	171
	Total	14896

Major Head-2230

01.107-Limestone and Dolomite Mines Labour Welfare Fund

01.107.03- Recreation

Head of A/c	Units	Expenditure (Rs. in thousand)
1	2	3
03.00.01	Salaries	2570
03.00.03	Overtime Allowance	11
03.00.06	Medical Treatment	34

1	2	3
03.00.11	Domestic Travel Expenses	114
03.00.13	Office Expenses	95
03.00.14	Rents, Rates and Taxes	161
03.00.21	Material and Supply	184
03.00.27	Minor Work	50
03.00.31	Grants-in-aid	1425
03.00.50	Other Charges	365
	Total	5009

Major Head-2230**01.107-Limestone and Dolomite Mines Labour Welfare Fund****01.107.04- Housing**

Head of Accounts	Units	Expenditure (Rs. in thousand)
04.01.01	Salaries	932
04.02.31	Low Cost Housing Scheme	200
04.03.31	BYOHS- Grants-in-aid	2005
	Total	3137
	Total (2230)	81262

Major Head-4250-Limestone and Dolomite Mines Labour Welfare Fund**Health**

Motor Vehicle	744
Machinery and Equipment	5
Total	749

Major Head-4250-Limestone and Dolomite Mines Labour Welfare Fund**Recreation**

Motor Vehicle	21
Total	21
Total (4250)	770

Grand Total	82032
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Total Income	Rs. 76.17 crores
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Total Expenditure	Rs. 8.20 crores
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SCHEDULE- II**ACTIVITIES FINANCED UNDER THE LIMESTONE AND DOLOMITE MINES LABOUR WELFARE FUND DURING THE YEAR 2007-08**

Serial No.	Name of the Activity	Units
1	2	3
	A. HEALTH :	
1.	Static-cum-Mobile/Static Allopathic and Static Ayurvedic Dispensaries	32
2.	Patients treated in Dispensaries/ Hospitals	405795
3.	Domiciliary Treatment of Limestone and Dolomite Mines workers suffering from Tuberculosis	1
4.	Treatment of Limestone and Dolomite Mines Workers suffering from Cancer.	1
5.	Treatment for mental diseases	1
6.	Purchase of Spectacles	286
7.	Maternity Benefit Scheme for Female Limestone and Dolomite Mines Workers.	1
8.	Payment of Monetary Compensation for Sterilisation to Limestone and Dolomite Mines Workers.	1
9.	Procurement of ambulance van	1
10.	Treatment for Heart Disease	3
11.	Treatment for Kidney Disease	1
12.	Financial assistance for Funeral	8
	B. Housing :	
13.	Number of houses sanctioned under Build Your Own House Scheme, Group Housing Scheme, Economically Weaker Section Scheme Type-I and II Housing Scheme.	262
	C. Education :	
14.	Award of Scholarship and other financial assistance to the school going children of Limestone and Dolomite Mines Workers	708452
15.	Supply of uniform/text books	6113
16.	Grant for school bus	5
17.	Grant for libraries	1

1	2	3
	D. Recreation :	
18.	Exhibition of films for Limestone and Dolomite Mines workers through Audio-visual Sets/Cinema Vans.	24
19.	Organizing sports, games, social and cultural activities for Limestone and Dolomite Mines Workers.	41
20.	Bus for transportation	3
21.	TV Sets	2
22.	Purchase of Sports Goods	8
	E. Water Supply	
23.	Assistance to small mines	1
24.	Assistance to big mines	1

[F. No. S-50025/4/08-W.II]

ANIL SWARUP, Director General (Labour Welfare)/
Jt. Secy.

नई दिल्ली, 30 अक्तूबर, 2008

का. आ. 3005.—केन्द्रीय सरकार, अधक खान श्रम कल्याण निधि अधिनियम, 1946 (1946 का 22) की धारा 3 की उपधारा (4) के अनुसरण में वर्ष 2007-2008 के लिए उक्त अधिनियम के अधीन लेखाओं का विवरण और वित्त पोषित क्रियाकलापों की रिपोर्ट, अनुसूची-1 और अनुसूची-2 के अनुसार क्रमशः निम्न प्रकार से प्रकाशित करती है :-

अनुसूची - 1

अधक खान श्रम कल्याण निधि के लेखाओं का विवरण
आय

1-4-2007 को आरंभिक बकाया	रु. 3.70 करोड़
वर्ष के दौरान अंतरित उपकार	रु. 3.51 करोड़
कुल आय	रु. 7.21 करोड़

व्यय

मुख्य शीर्ष - 2230

01.105 अधक खान श्रम कल्याण निधि

01.105.01- प्रशासन

लेखा का शीर्ष	इकाई	व्यय (हजार रुपए में)
1	2	3
01.00.01	वेतन	2098
01.00.02	मजदूरी	41
01.00.06	चिकित्सीय उपचार	20

1	2	3
01.00.11	घरेलू यात्रा व्यय	41
01.00.13	कार्यालय व्यय	59
01.00.27	लघु कार्य	0
01.00.28	वृत्तिक संवाह	0
01.00.50	अन्य प्रभार	1
	योग	2260

मुख्य शीर्ष - 2230

01.105 अधक खान श्रम कल्याण निधि

01.105.02- स्वास्थ्य

लेखा का शीर्ष	इकाई	व्यय (हजार रुपए में)
1	2	3
02.00.01	वेतन	5712
02.00.02	मजदूरी	25
02.00.06	चिकित्सीय उपचार	139
02.00.11	घरेलू यात्रा व्यय	52
02.00.13	कार्यालय व्यय	92
02.00.14	किराया, दर और कर	0
02.00.21	सामग्री और प्रदाय	835
	योग	6858

मुख्य शीर्ष - 2230

01.105 अधक खान श्रम कल्याण निधि

01.105.03- शिक्षा

लेखा का शीर्ष	इकाई	व्यय (हजार रुपए में)
1	2	3
03.00.01	वेतन	2301
03.00.02	मजदूरी	0
03.00.06	चिकित्सीय उपचार	0
03.00.11	घरेलू यात्रा व्यय	35
03.00.13	कार्यालय व्यय	2
03.00.21	सामग्री और प्रदाय	0
03.00.27	लघु कार्य	0
03.00.31	सहायता अनुदान	0
03.00.34	छात्रवृत्ति और वृत्तिका	84
03.00.50	अन्य प्रभार	1
	योग	2568

मुख्य शीर्ष - 2230

01.105 अन्नक खान श्रम कल्याण निधि

01.105.04- मनोरंजन

लेखा का शीर्ष	इकाई	व्यय (हजार रुपए में)
04.00.01	वेतन	455
04.00.06	चिकित्सीय उपचार	11
04.00.11	घरेलू यात्रा व्यय	4
04.00.21	सामग्री और प्रदान	0
04.00.50	अन्य प्रकार	2
	योग मनोरंजन	470
	कुल योग अन्नक	12156
कुल आय		रु. 7.21 करोड़
कुल व्यय		रु. 1.22 करोड़

अनुसूची -II

वर्ष 2007-2008 के दौरान अन्नक खान
श्रम कल्याण निधि के अधीन वित्तपोषित क्रियाकलाप

क्रम सं.	क्रियाकलाप का नाम	इकाई
1	2	3
	क. स्वास्थ्य :	
1.	स्थिर-सह-चल/स्थिर एलोपैथिक और स्थिर आयुर्वेदिक औषधालय	08
2.	अन्नक खान कर्मचारों के लिए अस्पताल	01
3.	रोगी जिनका-अस्पताल/औषधालायों में उपचार किया गया	38864
	ख शिक्षा :	
4.	अन्नक खान कर्मचारों के विद्यालय जाने वाले बालकों को छात्रवृत्ति दिया जाना	104
5.	अन्नक खान कर्मचारों के विद्यालय जाने वाले बालकों को किताब/वर्दी की आपूर्ति	3

[फा. सं. एस-22025/1/08-डब्ल्यू. II]

अनिल स्वरूप, महानिदेशक (श्रम कल्याण)/संयुक्त सचिव

New Delhi, the 30th October, 2008

S.O. 3005.—In pursuance of sub-Section 4 of Section 3 of the Mica Mines Labour Welfare Fund Act.

1946 (22 of 1946), the Central Government hereby publishes the statement of accounts and the report of the activities financed under the said Act, for the year 2007-08 as per Schedule -I and Schedule-II, respectively, as under :

SCHEDULE-I

STATEMENT OF ACCOUNTS OF THE MICA MINES
LABOUR WELFARE FUND

INCOME

Opening Balance as on 1-4-2007	Rs. 3.70 crores
Cess transferred during the year	Rs. 3.51 crores
Total Income	Rs. 7.21 crores

EXPENDITURE

Major Head-2230

01.105-Mica Mines Labour Welfare Fund

01.105.01- Administration

Head of A/c	Units	Expenditure (Rs. in thousand)
01.00.01	Salaries	2098
01.00.02	Wages	41
01.00.06	Medical Treatment	30
01.00.11	Domestic Travel Expenses	41
01.00.13	Office Expenses	39
01.00.27	Minor Work	0
01.00.28	Professional services	0
01.00.50	Other Charges	1
	Total	2260

Major Head-2230

01.105-Mica Mines Labour Welfare Fund

01.105.02- Health

Head of A/c	Units	Expenditure (Rs. in thousand)
1	2	3
02.00.01	Salaries	5712
02.00.02	Wages	25
02.00.06	Medical Treatment	139
02.00.11	Domestic Travel Expenses	52
02.00.13	Office Expenses	97
02.00.14	Rents, Rates and Taxes	0
02.00.21	Material and Supply	833
	Total	6858

Major Head-2230**01.105-Mica Mines Labour Welfare Fund****01.105.03- Education**

Head of A/c	Units	Expenditure (Rs. in thousand)
1	2	3
03.00.01	Salaries	2401
03.00.02	Wages	0
03.00.06	Medical Treatment	0
03.00.11	Domestic Travel Expenses	75
03.00.13	Office Expenses	7
03.00.21	Material and Supply	0
03.00.27	Minor Work	0
03.00.31	Grants-in-aid	0
03.00.34	Scholarships and Stipend	84
03.00.50	Other Charges	1
	Total	2568

Major Head-2230**01.105-Mica Mines Labour Welfare Fund****01.105.04- Recreation**

Head of A/c	Units	Expenditure (Rs. in thousand)
1	2	3
04.00.01	Salaries	455
04.00.06	Medical Treatment	11

1	2	3
04.00.11	Domestic Travel Expenses	4
04.00.21	Material and Supply	0
04.00.50	Other Charges	2
	Total Recreation	470
	Grand Total MICA	12156
	Total Income	Rs. 7.21 crores
	Total Expenditure	Rs. 1.22 crores

SCHEDULE-II**ACTIVITIES FINANCED UNDER THE MICA MINES LABOUR WELFARE FUND DURING THE YEAR 2007-08**

Serial No.	Name of the Activity	Units
A. HEALTH :		
1.	Static-cum-Mobile Static Allopathic and Static Ayurvedic Dispensaries	08
2.	Hospitals for the Mica Mines workers.	01
3.	Patients treated in Hospitals Dispensaries	38864
B. Education :		
4.	Award of Scholarship to the school going children of Mica Mines Workers	104
5.	Supply of Book Uniform to the school going children of Mica Mines Workers	3

(F. No. S-22025/1-08-W.II)

ANIL SWARUP, Director General (Labour Welfare)
H. Secy